Selections from the Records of Fort St. George

PAPERS REGARDING THE VILLAGE PUNCHAYET AND OTHER JUDICIAL SYSTEMS OF ADMINISTRATION

(1812–16)

MADRAS
PRINTED BY THE SUPERINTENDENT GOVERNMENT PRESS
1916

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PAPERS REGARDING THE VILLAGE PUNCHAYET AND OTHER JUDICIAL SYSTEMS OF ADMINISTRATION.

1812-1816.

I—Revenue Despatch from the Court of Directors, dated 16th December 1812, paragraphs 15—22.

* * * * *

15. As far as we can collect from your correspondence you seem to have been principally induced to propose the settlement upon village leases on account of the supposed incompatibility of the judicial system which had recently been established in the unsettled districts, with the ryotwar mode of collection. We applaud the principle which first suggested the introduction of that system into the British Possessions in India and we venerate the character from which it emanated but the experience of nearly twenty years in Bengal has furnished unequivocal evidence that it has not been possible by every practicable extension of the judicial establishment to render it adequate to the great end for which it was instituted, namely the speedy as well as the impartial administration of justice but that while the expenditure has been augmented from the sum of £220,000 at which the annual charge for the provinces of Bengal, Behar and Orissa, not including the charge of Police and the diet of prisoners was calculated by Lord Cornwallis to the sum of £306,000 at which the correspondent expenditure had arrived in those provinces by the accounts for 1809-10 and which by its extension to the Ceded and conquered territories under that presidency alone amounted in that year to the alarming expenditure of £870,000, still the arrear of causes has gone on increasing until it has attained a height that calls imperiously for the application of some effectual remedy.

16. The growing accumulation of undecided suits under your Presidency and which at so early a period, since the first introduction of the Bengal Judicial Code, as December 1807 appears to have amounted in the Zillah Courts alone to 31,482 should in its progress rather have directed your attention to the adoption of some mode whereby the process might have been simplified and other causes of delay removed than have made you solicitous for the extension of a system out of which that accumulation had arisen accompanied as it has been by an increase of expense which the resources of your Government are not calculated to meet, and which we find to have amounted at the same period of 1809-10, to £344,890, exclusive of the Supreme Court, the Police, and the diet of prisoners at the presidency, thus making the whole of our judicial charges in India, (if we include the expense of the courts under the Bombay Presidency, being £45,950), to be no less than £1,261,314.

17. The expedients which we observe, you have since adopted, for reducing the judicial arrears, had been some years before resorted to by the Supreme Government; but they have not been found adequate to remedy the evil, which still continues to be extensively felt in the Bengal Provinces, notwithstanding the further measures which have been more recently devised for the same purpose. We do not see any reasonable ground to hope that a better result will attend the application of similar remedies on your side of India. The delay of justice must, in a great degree, restrict the positive benefits that might otherwise be derived from the judicial system, and must have the effect of inducing many persons rather to submit to injuries than to seek for redress under the discouraging circumstances of procrastination, waste of time, and uncertain though perhaps ruinous expense.

18. The incongruity which you represent to exist between the judicial system and the mode which formerly obtained of collecting the Land Revenue from each ryot through the officers of Government, we must confess, appear to us to be a species of objection to that mode of collection which may also be brought against a Zemindary or a village system of Revenue management, the only difference being

this, that, under a Ryotwar Settlement the obstructions which are occasioned by the nature of the judicial process to the realization of the land revenues are experienced by the European Collector, whereas under the other kinds of settlement, the inconvenience is transferred to the Zemindars and Renters who are left to seek the recovery of balances and the payment of revenue in disputed cases by the same methods and according to the same course. It is, therefore, as we conceive, the formalities of proceeding in the courts of justice, and not the manner in which the Government administers its territorial revenues, that we must consider to be the causes of those impediments and difficulties to which you have alluded in your Revenue Despatch of the 28th October 1808, and in the one now before us, as having rendered it, in your judgment, necessary no longer to continue the principle of Ryotwar annual Settlements.

19. After the fullest consideration that we have been able to give to the important subject to which we have now adverted, we are led to think that we could not better consult the interest both of the British Government in India, and of the people living under its protection, than by resorting to an ancient usage of the natives in their village communities as well for the adjudication of small suits and differences as for the management of the revenue, and that, by giving the sanction and aid of our authority to the ministration of Potails or headmen assisted by the Punchayets or juries to which the people have been accustomed we should provide more efficaciously for the speedy and equitable decision of questions of limited value, than we could hope to do by any regulations to be carried into effect through the tedious process of courts constituted on the principle of our Zillah tribunals.

20. We are aware that it may be said the Potails might pervert the influence which such a reference would give them, and make it a source of oppression and vexation to their weaker neighbours; but every measure that can be devised, & is to be administered by man is liable to abuse. It is the duty of Government to apply the best practicable guards and correctives, and it may reasonably be hoped that the exercise of a vigilant inspection and control over the native judiciary functionaries, together with the aids of reward and punishment, prudently applied, would serve to restrain the unfeeling and corrupt, and to encourage the honest and well-disposed.

21. Col: Read, Col: Munro, and other Revenue Superintendents under your Government appear to have availed themselves of the usage to which we have referred, and which has been sanctioned by immemorial custom, and all our enquiries induce us to be strongly of opinion that justice could not be administered in a way so consonant to the feelings and habits of the people, nor on the whole so satisfactorily as through the intervention of the Village Potails and Punchayets. We find the same opinion to be strongly maintained and enforced by Lieut: Col: Wilks in his "Historical sketches of the South of India" recently published in this country, as well as in an official report which he made to the Bengal Government in 1799, on the internal affairs of the Mysore country. The sentiments which he has expressed on this subject were founded on practical observations made in the territories belonging to the Rajah, where, under the wise and efficient management of the Dewan Poorneah, the ancient institutions of the Natives were preserved, but purged of those glaring abuses and defects which had crept into them under the reigns of Tippoo Sultan and his father Hyder Ally. Distributive justice appears from the account of Col: Wilks to have been there, chiefly conducted through the medium of the Potails and Punchayets, and, in his report above referred to, he stated his firm belief, (a belief which the facts and circumstances related by him seem fairly to wârrant) that the substantial objects of the administration of justice and the protection of the people in their most important rights, were obtained in a respectable degree.

22. In the review which you have presented to us of the Zemindary, the Mutahdarry, the Village, and the Ryotwar modes for conducting the affairs of land revenue, the chief objection urged by you against the latter is its detail, which, though calculated to give minute information upon every point, is supposed to be of too complicated a nature to be adopted as a permanent system for the territorial assessment of an extended dominion.

II—Judicial Despatch from the Court of Directors, dated 29th April 1814.

*   *   *   *   *

2. In our Despatch in the Revenue Department dated the 16th December 1812, we took occasion to convey to you some general observations on the practical operation of the system of judicature which has of late years been established in the territories of Fort St. George and to prepare your minds for a fuller and more matured disclosure of our sentiments and determinations on this important subject; since that period it has engaged our deliberate consideration as have also the existing arrangements for conducting the Police within those territories.

3. We propose in this separate letter to communicate to you the ideas and views we have formed after a careful examination of your official records and after collecting the sentiments of many of our servants now in England upon the subject in regard to both these branches of internal administration under your Government and to furnish you with such orders and instructions as we have deemed expedient, and indeed essentially necessary for attaining the accomplishment of those great objects of Civil Regulation and at the same time of relieving in some degree our finances from that heavy pressure to which they are at present subject, under the heads of Judicial and Police charges.

4. We have approached the consideration of this subject under a deep impression of the fitness and wisdom of proceeding with due caution and care in the adoption of any material alterations in existing systems of Government and of the mischiefs which too often result from innovations in matters of such important and delicate concern. With these strong convictions on our minds it is very satisfactory to us on a review of this great question to be enabled to state that the modifications which we are about to prescribe in this Despatch do not involve the introduction of any novel or untried principles nor any essential departure from ancient, and long established order of things but, rather the revision and amendment of one of recent creation which has existed a few years only in the provinces under your Presidency and the operation and effects of which it is our duty to watch over with the view not only of preserving and cherishing whatever of good may be found to accompany it, but also of modifying and reforming it in those respects in which experience may have proved it to have failed in its expected consequences. It is in this spirit that we have entered upon the present investigation, on the one hand influenced by an earnest disposition to avoid all changes not absolutely called for in an existing system adopted under our own sanction, on the other not insensible to the obvious policy of removing the errors and of supplying the defects which may be found to belong to it, before the progress of time shall have rendered them inveterate.

5. We shall in the first instance direct your attention to the state of your Judicial establishment. The increased and increasing expenditure on this account amounted for the year 1811/12 to no less a sum than to £3,18,262, exclusive of the expense of the Supreme Court of Judicature, diet of prisoners and the Police being comparatively a small part of the whole judicial charges of the three Presidencies in that year. This has been made the subject of frequent correspondence with your Government but the transactions which we have transmitted to you, strong and urgent as they were, have led only to partial retrenchments of a trifling nature while they have fully served to satisfy our minds that any considerable diminution of this article of public disbursement cannot be looked for nor even a limitation be fixed to its present high scale by any measure short of a revision of the whole system.

6. The expedients which you found it necessary to adopt for reducing the arrears in the courts under your Government had been as we observed in our Revenue letter of 16th December last "some years before resorted to by the "Supreme Government but (as we also remarked) they had not been found "adequate to remedy the evil which still continued to be heavily felt in the Bengal "Provinces, notwithstanding the further measures that had been more recently

"devised for the same purpose." Even so lately as the year 1812 it was found necessary to pass a regulation for augmenting the number of Judges in the Sudder Dewanny and Nizamut Adalet of Calcutta as occasion might require and in the same year a resolution was adopted to appoint a certain number of *permanent* assistant Zillah Judges to be employed where their services were most wanted, thus constituting in both cases a standing increase of expense attendant upon the judicial system.

7. It nevertheless appears from the last accounts received from that side of India that the number of suits depending before the different tribunals of Civil Judicature on the 16th July 1812 amounted to no less than 20,981, and so far from any expectation being held out by the Government of Fort William of any material reduction of that number we are led to entertain the strongest apprehensions of an augmentation.

8. We must here remark that when the present Judicial system was introduced into the Provinces of Bengal, Behar, and Orissa, the number of depending suits in the Dewanny Adalets was stated by Lord Cornwallis in his Minutes of the 11th February 1793 at about 60,000. The consequent delay in the decision of suits was then described by him as "ruinous to the suitors as defeating the ends of "justice and as striking at the root of the prosperity of the country." Lord Cornwallis in the establishment of the system, considered a speedy settlement of causes, to be a primary and essential object to be effectuated by it, observing as he justly did "that the constitution of the courts should be so framed as to put it out of the power of the Judges to deny or delay justice, that individuals should by a mere application, be able to command their interposition for the redress of injuries from whomsoever sustained." It is to this effect also that he observes in the same Minute "that there should be Courts of Justice to punish oppression and exaction and that the people must be satisfied that the remedy must be certain and effectual and that it can be expeditiously applied."

9. The facts which we have adduced and others which will hereafter be noticed furnish but too ample evidence that the provisions of the Judicial Code of British India highly beneficial as they have proved in some important particulars have yet substantially failed in the accomplishment of one of the most material ends they had in view in that large portion of our possessions where the code was originally introduced and where it has been longest in practice. But in taking a survey of the inadequacy of the judicial system, the existing accumulation of undecided suits is very far from exhibiting the whole extent of the evil. To form a tolerably correct idea on this subject especially in regard to the Zillah Courts to which we here more particularly direct our observation we must bear in mind the number of persons who may be deterred from applying to them for redress from the despair of having their disputes and grievances settled within any reasonable time as well as from the great distance they must travel for justice, the expense of the journey and the interruption which it must occasion to their private concerns called away as they are from their homes at the very season when their absence cannot be dispensed with without serious injury to the cultivation of the land. The records of the Bengal Government inform us of another evil of no less consequence, viz: that the affrays, homicides and woundings which are continually occurring in those Provinces on the subject of disputed rights, are occasioned by the length of time that necessarily elapses before redress can be obtained, which has been found to impel those who feel themselves injured in their rights and property to have recourse to violence and force for the defence of them, thereby taking the law into their own hands.

10. It would be needless to argue that the same causes must produce the same effects within the possessions of Fort St. George. The proof of this fact is strongly borne out by the official communications of several of the Judicial and Revenue servants belonging to your establishments; but if such evidence were wanting, it might alone be very safely rested, on a reference to the actual population of the country and the number of suits decided and remaining undecided within the year, which sufficiently shew how disproportioned the existing means of Judicial Administration are to the wants and necessities of the people.

11. This deficiency of means is no doubt to be imputed in part to the great extent of the local jurisdiction of the Zillah and Provincial Courts, but we are firmly persuaded on a full examination into this subject, that even if the state of the Company's funds would admit of such augmentation of these Courts as would reduce their local jurisdiction to one half of their present size, it would after all operate only as a partial remedy and still leave the administration of justice in a state and condition very inadequate to the fulfilment of its professed purposes.

12. We are led to direct your attention, in the first instance, to that branch of this important subject which relates to the *European Agency* employed for the discharge of the duties of Judges and Registers in the Zillah Courts, and in doing this we shall avail ourselves of the opinions of some of the best informed and most enlightened of our servants who under the Bengal Government and under your Presidency have been enabled by experience in the execution of the Judicial functions, to form opinions and who have felt themselves called upon by a sense of duty to record them. Sir Henry Strachy, Judge and Magistrate of Midnapore, in his report of the 30th January 1802, after enumerating circumstances which obstructed the due administration of justice, observes as follows: "Another "impediment, though of a very different nature and much more difficult to remove, "is to me too palpable to be overlooked. I mean that arising from Europeans in our "situation, being necessarily ill-qualified in many points to perform the duties "required of them as Judges and Magistrates; nothing is more common even after "a minute and laborious examination of evidence on both sides, than for the Judge "to be left in utter doubt respecting the points at issue. This proceeds from the "imperfect connection with the Natives and our scanty knowledge; after all our "study of their manners, customs and languages, we perhaps judge too much by "rule. We imagine things to be incredible because they have not before fallen "within our experience. We constantly mistake extreme simplicity for cunning. "We make not sufficient allowance for the loose, vague and inaccurate mode in "which the Natives tell a story, for their not comprehending us, and our not "comprehending them. We hurry, terrify and confound them with our eagerness "and impatience.

"I am fully convinced that a Native of common capacity will after a little "experience examine witnesses and investigate the most intricate case with more "temper and perseverance, with more ability and effect, than almost any European" and as he says in another place "a very few simple rules would perhaps suffice to "correct the abuses of former times. I confess it is my wish though probably I may "be blamed for expressing it, not only to have the authority of the Natives as "Judges extended, but to see them, if possible, enjoy important and confidential "situations in other Departments of the State.

Report as Circuit Judge on termination of the 2d Sessions of Calcutta Division for 1802.

"We cannot study (the same Judge observes) the genius of the people in its "own sphere of action. We know little of their domestic "life, their knowledge, conversation, amusements, their "trades and castes, or any of those natural and individual "characteristics, which are essential to a complete knowledge "of them; every day affords us examples of something new "and surprising, and we have no principle to guide us in the investigation of "facts, except an extreme diffidence of our opinion, a consciousness of inability "to judge of what is probable or improbable."

13. The ideas of Colonel Munro on the same subject were communicated to your Board of Revenue in his report from the Ceded Districts dated the 15th August 1807.

"There is (he observes) such a strange mixture of fraud and honesty in the "Natives of India and even in the same individual in different circumstances that "none but a native can on many occasions penetrate the motives from which such "opposite conduct arises. The numerous petty dealings constantly going on with "comparatively very few disputes, the frequency of depositing money and "valuable articles without any kind of voucher and the general practice of "lending money without any receipt or document but the accounts of the parties, "manifest a high degree of mutual confidence, which can originate only in a

"conviction of the probity of each other. But on the other hand every Native "will perjure himself in a litigation respecting water, boundaries of villages and "privileges of castes. He will also perjure himself with little hesitation in favour "of a relation, a friend or an inhabitant of the same village. These causes added "to bribery render perjury so common that scarcely any dependence can be placed "upon evidence, unless when it is supported by collateral proofs, the number of "witnesses and even their general character is therefore of less consequence, then "an acquaintance with those particular customs and prejudices, by which their "evidence is likely to be biassed. The Judge must always be inferior to a Native "in knowledge of this kind, he will likewise be deficient in the language, he never "can be so much master of it as to follow and detect the minute points by which "truth and falsehood are often separated. The voice of a witness, the manner, "the mode of expression, the use of words of a less positive though often similar "sense; all these must be beyond the reach of an European whose knowledge of "an Indian language can never extend to such niceties."

14. These are the sentiments and opinions of two of our servants well qualified from local observation and practical knowledge to speak on such a subject and they have been strongly corroborated by other respectable authorities on record which we have consulted in the course of our investigations.

15. It is but too obvious, that an European must labour under very great disadvantages in the administration of justice among people so peculiar in their habits, their ideas and customs and with whose dialects it is in vain to expect we can ever become sufficiently acquainted. A document * which we received from Bengal in the year 1810, distinctly informs us that "a few only of the Magistrates understand the Bengalese language." In the Peninsula where the dialects are much more various, this deficiency in the Native languages cannot, we conceive, be less felt than it is within our possessions subject to the Supreme Government.

16. These circumstances, while they must render the proceedings of the European Judge liable to great error and misconception in spite of all his care and disposition to act rightly, must also in a great measure reduce him to a dependence on the Native officers of the court, which in various ways will tend, as we know it very extensively has, to the abuse and perversion of the ends of justice, and from the inability of the Judges to follow readily what passes in the progress of hearing a cause, a dilatoriness in the dispatch of business must arise, which of itself would contribute in no small degree to that accumulation of suits instituted in the Zillah Courts.

17. What also occasions the great arrears of suits in all our tribunals, both European and Native is the process and forms by which justice is administered. This process and these forms are substantially the same as those of the superior tribunals in England, and even pass under the same names. The pleadings of the court are almost in every case written (as well as the evidence of witnesses) and they proceed by Petition or Declaration, Replication and Rejoinder, Supplemental answer and reply.

18. Such a minute and tedious mode of proceeding in a country where the Courts are so few compared with the vast extent and population of it, must be quite incompatible with promptitude and dispatch. Causes must be long pending and slowly got off the file, and the tardiness with which they are brought to a settlement must in innumerable instances be a greater evil than the original injury sought to be redressed, to say nothing of the frequent visits which the litigant parties are under the necessity of making, for the purpose of filing their pleadings in the progress of the causes, according to the turn which the proceedings may take. This grievance is one of no ordinary magnitude to the suitors, as well as to those who may be summoned to give evidence. On one description of persons it must, according to the information we have received from Colonel Munro, operate with peculiar severity—we here refer to the Heads of villages.

"They are," he observes, "subjected to great inconvenience and distress, "being summoned as witnesses in every trifling litigation that goes before the

* Mr. Secretary Dowdeswell's report, dated 22nd September 1799.

"Judge, from their respective villages. They are supposed to know the state of "the matter better than any body else, and are therefore always summoned. They "are detained weeks and months from the management of their farms, and are "frequently no sooner at home than they are called away fifty or one hundred "miles by a fresh summons about some petty suits, which they could have settled "much better on the spot, and crowds of them, as well as of the principal ryots, "are always lying about the courts, and very often without its being known to the "Judge that they are there."

19. We have the declaration of your Board of Revenue that "these cumbrous formalities," as they term the forms and process of the courts, "rather embarrassed "than aided litigants." The inconveniences to be expected from them were ably pointed out by Colonel Munro, in the same year, on the extension of the Judicial system to the Ceded Districts, and some of those which have actually resulted are strongly but we believe faithfully depicted by the Collector of the southern division of Arcot in his report on the settlement of the revenues for the fusly year 1808-09. "Hundreds of complaints of acts of "oppression have been made to me but on which I have no power to grant "redress. I can only refer them to the court, and the court, if it did nothing "else, would not have time to redress all such grievances, even if they came before "it, but the road to justice in such instances is so clogged with forms &ca that "nine out of ten of such grievances never came before it." "It is cheaper," he adds "for complainants to submit to be plundered than to seek redress."

Mr. Ravenshaw.

20. What must also be very materially obstructive of the purpose for which such forms of proceeding are prescribed by our system of Civil Judicature is, that they are perfectly new to the Natives, to whom justice was used to be administered according to very simple rules and in a summary manner.

21. The general unfitness of the Natives to conduct their own causes in tribunals whose proceedings are regulated by rules of such a refined and intricate nature has led to the appointment of vakeels or licensed pleaders to each court, but this measure though intended for the convenience of suitors, is accompanied with injurious effects by placing the plaintiffs and defendants very much at the mercy of a set of men who for the most part, we fear, are wanting in respectability of character with little sense of reputation, and depending for their subsistence on the encouragement and fomentation of frivolous and vexatious litigations.

22. The defective and superficial acquaintance of the vakeels themselves with the regulations and their general inaptitude for the discharge of their duties has long been the theme of complaint on the part of our servants under the Bengal Presidency, as well as by Colonel Leith, who was employed under your Government in framing the original Code of Laws and Regulations and who has in his letter to the Chairman of the Court of Directors of the 25th January 1808, of which we formerly transmitted you a copy, expressed his opinion on the subject of the vakeels, in terms which have particularly attracted our attention. "There is perhaps," he says, "no part of the judicial system which has been attended with "worse consequences than the vakeel branch of it. They are in general "extremely illiterate and their situation gives them various opportunities of "committing abuses which are not easily detected. In particular they have "been accused of promoting litigation, by holding forth false promises of success "to their clients. Their habits of intercourse with the natives and their being in "a manner the only persons who are acquainted with the regulations makes it "easy for them to do so. I do not hesitate in saying that one great cause of the "litigation and delay in Law suits, has arisen from the native pleaders."

23. Your Board of Revenue also in the report to which we have already referred, have distinctly averred that "the licensing of pleaders or vakeels had "led to a series of fraud and corruption in the Zillah and Provincial Courts" and they therefore recommended that in the Revenue Court which it was then in contemplation to establish at the Presidency "pleading *ore tenus* should be "adopted instead of Petitions, Replications and Rejoinders." We therefore direct you to instruct the Courts of Sudder Dewanny and Nizamut Adalet and the inferior Courts to communicate their ideas on this subject, and that you do

thereupon revise the respective powers together with the forms of process in both departments with the view of rendering the proceedings in Civil cases, as summary as may be compatible with the ends of substantial justice.

24. The reply and rejoinder may perhaps be dispensed with as the plaint and answer generally contain all the material parts of the case.

25. Another part of the system which has an evident effect in lengthening the proceedings of the Courts has not, as far as we know, the recommendation of being borrowed from any English institution: this is the practice (prescribed by Regn. III of 1802), of taking down in writing all depositions altho' delivered orally in open court. We have great doubts as to the necessity of this custom and desire that the subject may be carefully considered by the courts.

26. The employment of licensed vakeels is so connected with the judicial system now established that we are certainly not prepared to do away this class altogether but we are very desirous that the subject should be maturely considered by you as well as by the Sudder Court with a view of devising, if it be possible, a remedy for an evil so generally acknowledged.

27. We would here call your attention to another part of your judicial system; we allude to the latitude of the appeal allowed from the decisions of the Registers of the Zillah Courts and from the decisions of the Judges of those courts. The facilities thus afforded for the prolongation of judicial disputes and its attendant evils have been represented to us by many of your most experienced servants as strongly requiring the application of some remedy. By the original Regulations of your Government no suit was appealable from the judgment of a Register or a Judge of a Zillah Court, unless in the former case the amount of the property litigated exceeded 25 A. [Arcot] Rs. and in the latter 1000 Rs.; but by Regn. VII of the year 1809 these restrictions were removed and appeals were allowed in all cases from their determination except in regard to suits tried by a Zillah Judge in appeal from the Head and other Native Commissioners. We are of opinion that a revival of the restrictions which formerly existed under Regn. II of 1802 would be productive of much good effect, and we hereby direct that no further appeal be permitted to lie from a decision of a Zillah Court on an appeal from the Register or from any Native tribunal. With regard to special appeal, we leave you at liberty to extend the provisions of sec. 26 of Regn. VII of 1809 to any case not comprehended within them which on due consideration you may think fit.

28. The expenses also of prosecuting suits which before were confined to the maintenance of the witnesses and the employment of a vakeel have since the year 1808 been considerably augmented by the direct charges to which legal proceedings are subjected by fees on the institution and trial of causes and on the presentment of petitions, exhibits, &ca. both in the European and Native courts as well as by stamp duties upon the pleadings in the former.

29. These additional charges were imposed as it is declared in the preambles of Regulations IV, V, and XVII of 1808 for the purpose of preventing litigious and groundless complaints the filing of superfluous exhibits and the summoning of unnecessary witnesses.

30. To the first mentioned of these regulations and to Regulation XVII which gave a retrospective effect to the provisions of the former one respecting Judicial fees, the Sudder Dewanny Adalet have in their report of the 19th February 1813, particularly called our attention as the chief means by which the arrears of Civil suits had been so greatly reduced since the year 1807. But with the evidence we have before us on this subject we see too much reason to conclude (bearing in mind as we must the smallness of the interests which produce litigation among the natives) that the additional expenses thus imposed serve to discourage and often to preclude the fair claimant from applying to our judicatories.

31. Under the rules and regulations which obtained previous to the introduction of the present system for the administration of justice in Bengal, a deposit fee was levied on the institution of suits in the Civil courts varying from five to two per cent in proportion to the cause of action and certain other authorized fees of courts on the first establishment of the present system in 1793; these fees were

abolished and the suitors were relieved from all other expenses except the prescribed fee to the pleaders and the actual charge in summoning their own witnesses. The grounds which induced Lord Cornwallis to adopt this measure are explained at large in his Minute of the 11th February 1793. "This tax," observes His Lordship alluding to the fees we have just stated, "which the people are obliged to "pay for having justice administered to them at the same time that it debars many "from recovering their rights and fails of its intended effect has a further oppres- "sive operation by furnishing equally all suitors whether their causes be litigious "or not. The fact is that the evil which this Regulation is intended to obviate "is ascribed to a wrong cause. It is not to be attributed to the litigiousness of the "people but with more truth to the dilatoriness and insufficiency of the administra- "tion of justice."

32. The Zillah Courts created under the new system being soon overwhelmed with causes, the principle maintained by Lord Cornwallis was departed from and fees were established on the institution of suits and on exhibits &ca. as well as stamp duties on the written pleadings. The reasons assigned in the preambles of the Regulations relating thereto were the same as those which induced you to resort to those expedients. We are much disposed to believe from the practical authorities we have consulted upon this subject that though these charges upon Law proceedings have served to diminish the number of vexatious suits instituted in our Courts, they have at the same time had the effect of deterring too many from seeking judicial redress for real and substantial injuries on account of their inability to support the costs which necessarily accompany the means of obtaining it.

33. Having adverted to the general and most obvious defects in the present system, we are brought to the consideration of the remedy most applicable to them and after a minute examination of every available source of information within our reach; and having attentively reviewed the whole that we have collected, we are disposed to think that the important object, as far as the administration of Civil justice is concerned, may be obtained in a degree commensurate to the wants and necessities of the people by such a modification of the present judicial system itself, as shall consign a great part of the business now conducted by the Zillah and Provincial Courts to intelligent natives, through whose agency the means of administering justice might be enlarged and at the same time a foundation laid for diminishing the expense attending the existing establishments of the Company.

34. We find from the concurrent testimony of our most experienced servants that throughout Hindostan the affairs of every village were formerly managed by two descriptions of persons one usually designated by the appellation of Potail though in some parts of India called Ameen [*lacuna*] or Mocaddam and the other characterized by the name of Curnum or Putwarry. The Potail acted as the Judge, Magistrate and Collector within his village; in the former of these capacities he settled the disputes which occurred within it assisted in cases of importance or where the litigant parties required it by a Punchayet or Native Jury consisting of fewer or more persons whose judgment was subject to an appeal to the Amildar or Collector of the province in whom was vested not only the general administration of the revenues but also the superintendence of civil justice as well as of the Police. This was the mode of administering justice in all cases of property or personal right except in regard to questions of caste or religious discipline which were decided by the rulers of the different tribes assisted by Punchayets.

35. The Curnum or Putwarry who was and still is the Register of the village assisted the Potail in the discharge of his judicial and magisterial functions, but it was his more especial duty to keep the public accounts of cultivation and revenue and to record transactions between one individual and another in the nature of bargain, payment or receipt, his registry being the attestation of all such transactions.

36. Both the one and the other of these village superintendents enjoyed lands free from, or upon payment of a small quitrent or what is nearly the same, specific shares of the produce of a particular portion of land besides certain payments in grain or in money from the other residents of the village. In a country where internal disturbances have been so frequent these officers are stated by

Colonel Munro to have been regarded by the inhabitants as their natural and permanent superiors, their influence in the little communities to which they belong being founded as much in personal respect as in the authority of their office. They are the native gentry of the country and from the particular relations in which they stand to the people, they possess a knowledge of the general concerns of their villages and of the character of every one within them which renders them peculiarly well qualified to perform the municipal duties entrusted to their charge.

37. In the modern possessions under your Government where the zealous and well directed enquiries of some of your ablest and most intelligent servants brought us to a nearer acquaintance than in any other parts of India with the nature and uses of the local institutions of the country and where also the policy had been most attended to of regarding these institutions as the natural and only solid foundation on which to raise the superstructure of Civil Government, a close adherence to the ancient and customary course of proceeding in the adjudication of civil causes appears to have been observed until the introduction a few years ago of the judicial establishments now existing.

38. Of the utility of the Potails in their judicial character and of their identification with the domestic economy and internal arrangements of the country, we have the recorded testimony of many of our servants.

39. Colonel Munro in his report from the Ceded Districts of the 15th May 1808, informs us that every "village with its twelve *Ayangudies* is a kind of little "republic with the Potail at the head of it, and that India is a mass of such "republics." The inhabitants during war, look chiefly to their own Potail: they give themselves no trouble about the breaking up and division of kingdoms; while the village remains entire they care not to what power it is transferred; wherever it goes the internal management remains unaltered. The Potail is still the "Collector and Magistrate and Head farmer. From the age of man until this day "the settlements are made either *with* or through the Potails" and in another of his interesting and valuable reports, he informs us that whoever rules the province, they rule the village. This description of the village societies of India is confirmed by the view which your Board of Revenue took of the same interesting subject in their report of the 25th April 1808.

40. The account here given of the Potail and of his influence and importance as necessarily resulting from his character and relative situation within the village community, of which he is the chief member is also in strict conformity with the statements which have been afforded by Colonels Read and Wilks, by Mr. Thackeray and other respectable authorities.

41. Your Board of Revenue in their report to which we have just referred further state that the influence of the Head inhabitants among the people is much greater than that of a Zemindar or Poligar and that when he is not over assessed he will always exert it on the side of Government.

42. From these concurring testimonies we are led to recognize in the Potail and Curnum the most powerful instrument that any government can possess for conducting the detailed operations of its internal administration as well in regard to the distribution of justice as the direction of the Police. It appears to be through this agency, that the frame and constitution of the little village communities, of which all India is composed, has been held together for so many centuries; they are unquestionably (what they have been termed) "the natural and permanent authorities of the country," and true policy strongly dictates the expediency of our availing ourselves of their services, for it is thus only, as we are now firmly convinced, that the business of Government can be adequately conducted in a foreign country like India, in which the population is so extensive and the habits and manners of the people so different from our own.

43. The judicial regulations admit of the employments of Native Commissioners as referrees, under the orders of the Zillah tribunals, and as judges with an original jurisdiction in matters of personal property to a limited amount and in the case of the Head Native Commissioners, authority is given to decide suits of small amounts respecting real property. The regulations also empower the other

Native Commissioners to act as arbitrators when applied to for that purpose by the inhabitants. But restricted as these native authorities are, in their powers, and liable as they also are under the latitude of appeal which is permitted from their decisions to the Zillah Judges, to have them suspended or reversed, a large portion of business thus necessarily devolves on the Judges and Assistant Judges which together with the appeals from the judgments of the Registers and the suits that come before them under an original jurisdiction they are utterly unable to deliver themselves from, by every possible exertion they can make.

44. We are however very far from meaning to detract from the efficiency of the native branch of the judicial system. On the contrary we refer with satisfaction to the facts stated in the report of the Sudder Dewanny Adalet at Fort St. George wherein it is observed "that these subordinate judicatories are operative to a "very extensive degree in promoting the general and speedy distribution of Civil "justice *in causes though small yet of infinite importance to the parties*, who could "not without the most serious inconvenience, be subjected to the necessity of "leaving their families and giving attendance at the stations of the Zillah Courts." This report from the Sudder Adalet furnishes a strong and convincing argument for the employment of Natives in the administration of Civil justice, and satisfactorily demonstrates the absolute necessity of availing ourselves of their instrumentality, to a much greater extent than has hitherto been done.

45. We must however continue to think that the agency of Natives *appointed* to act as Commissioners is much less eligible than that of the Heads of villages, acting within the limits of their own Municipalities. The slender and very insufficient emoluments allowed to Native Commissioners for the performance of very laborious and responsible duties, must render it extremely difficult to secure the services of men of respectability and influence in society and possessing the requisite qualifications.

46. These circumstances are stated in the report from the Sudder Dewanny Adalet, to which we have already referred as having "hitherto retarded the "consummation of the arrangements for this purpose; in some cases by the "difficulty of finding persons sufficiently men of business and character to discharge "satisfactorily a trust so delicate and one that is so closely connected with indivi-"dual comfort and prosperity, in others, by disinclination of those of adequate "respectability and talent to undertake a duty which without promising any "immediate personal advantage seemed to be laborious to a degree alarming to "their habits."

47. The official correspondence of the local authorities under the Bengal Government leave it not a matter of speculation that the Native Commissioners in those Provinces, are a description of persons who like the Darogahs of Police are of inferior character among their fellow country men, very rarely possessing that local influence and consideration which ought naturally to attach to individuals holding those situations.

48. These necessary qualities we have already shown are much more likely to be found among the Potails and Curnums of the villages than among any other denomination of the natives. They have for *ages* been in the constant habit of administering justice in their villages with all the aids derived from acknowledged rank and hereditary connection; they are still in the enjoyment of, or possess the right of permanent provision in land and fees, originally assigned them as Public Officers, for the execution of that and other duties. That particular duty, we cannot doubt, they would again gladly execute, because it was one inseparably connected with the consequence which belonged to them in their respective villages, and which by being committed to other hands must, as we are satisfied it has from various official channels of information, considerably impair their influence and render a numerous body of men dissatisfied if not disaffected to our Government whose support and attachment we cannot but consider of more importance to the internal security of the country than even the strength of our Military establishments. Such a measure would incalculably relieve the inhabitants from those vexations and inconveniences to which they are at present subject, from the want of the ready means of Judicial redress, and would be most acceptable as

it would restore a form of Judiciary administration which had long been familiar to a people distinguished above all other nations in the world by a dislike to innovations and a respect and adherence to ancient rules and customs.

49. As the Punchayet or Native Juries appear also to have uniformly prevailed under every Native Government of India, it is necessary that they should make a part of any consideration involving in it a return to the ancient form of Judicial administration.

50. It is remarkable that this institution should have been passed over without notice in the recorded discussions which preceded the establishment of the Judicial system under your Presidency, finding as we have on an examination of the Reports of those Collectors who have antecedent to that period superintended the administration of Civil Justice, that it was a general rule, at least among those in the modern territories to avail themselves of the use of Punchayets in cases brought before them, and also to encourage the use of them by the Heads of villages. It is stated by Captain Read in a letter dated Kistnagherry the 30th July 1794 that "it was the custom of the inhabitants to settle trivial disputes by "Punchayets, or Courts composed of themselves and that when they could not "settle them by that means to their mutual satisfaction, to apply to the Collector, "who either did so himself, or formed a Punchayet, for the purpose, on whose "verdict he determined," and in a Cowlenamah of that officer is the following instruction. "It is directed that when any differences arise relating to Municipal "management or cultivation, a Punchayet or Native Court of arbitration, may be "assembled to adjust them; and that if the offended party afterwards resolve on "an appeal to the Huzzoor, he shall be sent thither with its proceedings attested "by its members; when orders shall be sent on the affair in question." The members of the Punchayet appear to have been mutually chosen by the parties; to prevent corruption and intrigue, their proceedings were openly conducted in presence of such of the inhabitants as chose to attend, and the members were not permitted to separate before they pronounced their decision which was afterwards signified to the parties concerned by a written attestation and enforced, if necessary, by the authority of the Collector.

51. No person in our service abroad has had more frequent or fuller opportunities of forming a just opinion of the advantages derived from these Native Juries than Colonel Munro. In his report of the 15th August 1807 he says, "*There can "be no doubt that the trial by Punchayet is as much the common law of India, in Civil "matters, as that by Jury is of England.* No Native thinks that justice is done "when it is not adopted, and in appeals of causes formerly settled whether under "a Native Government or under that of the Company previous to the establishment of the Courts, the reason assigned in almost every instance was that "the decision was not given by a Punchayet but by a Public Officer or by persons "acting under his influence or sitting in his presence. *The native who has a good "cause always applies for a Punchayet while he who has a bad one seeks the decision "of a Collector or a Judge because he knows that it is much easier to deceive them.*"

"The natives cannot surely with any foundation be said to be judged by their "own Laws while the trial by Punchayet, to which they have always been accustomed, is done away. The Code provides referees and arbitrators but these are "not what the Native wants. He has most probably had recourse to them already "and when he comes forward to complain publicly he expects a Punchayet."

52. Equally strong evidence is borne by Colonel Wilks in support of Punchayets in the appendix to his *Historical Sketches of the South of India.*

"Fully to understand the character and manners of the Hindoos requires "to have lived and been educated among them as one of themselves and I conscientiously believe that for the purpose of discriminating the motives of action "and the chances of truth in the evidence of such a people, the entire life of the "most acute and able European Judge devoted to that single object could not "place him on a level with an intelligent 'Hindoo Punchayet' which he in another "place describes as an 'admirable instrument of practical decision'."

53. It is also highly spoken of by Sir John Malcolm in his "Sketch of the "Sikhs" wherein after stating that "trifling disputes about property are settled by

"the Heads of villages by *arbitration* and by the Chiefs", he in a note to the word arbitration adds "It is usual to assemble a Punchayat or a Court of "Arbitration in every part of India under a Native Government and as they are "always chosen from men of the best reputation in the place [where] they meet, "this Court had a high "character for justice."

54. We have in our Despatch of the 16th December last referred you for a practical illustration of the fitness of Punchayets acting in conjunction with the Heads of villages for the adjudication and settlement of questions of individual property and right to a report made by Colonel Wilks to the Governor-General on the interior administration of the Government of Mysore.

55. To the authorities we have here produced of several of our most able and experienced servants on your side of India as to the practical utility of the Punchayet institution, we shall only add that of an experienced Judge under the Bengal Government, Mr. Melville, Judge and Magistrate of Decca. In his report of the 21st December 1801, he observes "I have said that authority and great "encouragement should be given to procure an adjustment of petty disputes and "quarrels thro' the means of Punchayets. This mode of arbitration, for in "the present instance it is nothing more, was formerly almost universally practised "and it has not only the sanction of established usage in its favour but the mem-"bers of such tribunals being as it were pointed out for the office by their "established characters and by the acknowledged sentiment of the whole of their "society the decision is at once acquiesced in and becomes happily unquestioned. "But to estimate fairly the great advantage to be derived from the mode of "adjusting disputes and allaying animosities it must not be disguised and cannot "have escaped the observation of all who have had an opportunity to remark it "that litigation in petty disputes as at present practised is a source of general "unhappiness and the parent of multiplied crimes."

56. The same Judge in a Circuit Report for the division of Patna of so late a date as the 27th June 1810, after noticing the length of time "a claim must wait "with the sacrifices an individual must make before the decision of a Civil Court "can be obtained and his want of confidence in the stability of that decision," proceeds to observe. "It must be noticed also that the manners of the people are "daily growing worse. The present system has in its relations and consequences "affected the influence of paternal authority and of castes, formerly salutary "checks on morals, and our Courts by having a detail of duty much greater than "they can effectually manage are unable to supply any adequate substitute."

57. The great argument which has been alleged against entrusting the Natives with the exercise of any extensive judicial authority is their proneness to corruption. The fact is certainly not to be denied but it is at the same time necessary that we should trace it to its cause before we assent to the validity of the inference which is deduced from it. This we believe to consist in the want of efficiency which has marked the Native Governments in the more modern periods of their history; nothing could well have been more relaxed than was the management of the affairs of Civil administration under them whether as it related to Judicature, to Police or to Revenue. Those regulations which are devised and provided in every civilized country for the guidance of Public Officers and for preventing malversation and abuse of trust had either grown into desuetude or were greatly disregarded; most of the public establishments had become perverted from the original purposes of their institution. It was therefore no other than a natural consequence that in the absence of a salutary and effective exercise of the supreme powers of the State the public functionaries when prompted by self-interest should have been influenced by venal and corrupt motives.

58. If we are correct in this reasoning we may deduce from it a sufficient ground for believing that under a vigilant and active superintendence and control exercised by the British Government, the Potails and Curnums assisted by the Punchayets might be most advantageously employed in the administration of justice without a recurrence of those serious and formidable abuses which prevailed in the latter periods of native administration.

59. The eminent success which has within the last twenty years attended the exertions of some Collectors of the Revenue in the modern territories subject to your Presidency in preventing the corrupt practices of the native servants and in keeping them to their duty seems fully to warrant that conclusion. The great practical principle which they steadily kept in view and to which the success of their labours must be very largely ascribed was *to leave the detailed management of affairs to the natives according to the existing forms and usages of the country and to see that they did their duty instead of attempting to do it for them.* A constant and pervading exercise of the powers of superintendence is the sphere of action in which the Company's European servants can be most beneficially employed and in this sphere the active application of their time, their attention and their talents are of the most essential and indeed of indispensable importance to the well-governing of the Country.

60. We conceive, in the first place, that the Potail might by virtue of his office execute the functions of Commissioner within his village in the several modes prescribed by the regulations; as Referee he should hear and determine all such causes as may be referred to him by the Zillah Court subject to the same limitations as to the amount litigated and generally speaking to the same rules as are prescribed for Native Commissioners acting in this capacity.

61. And in all cases thus coming before a Potail either party should have the power of requiring the assembly of a Punchayet or the Court may in the order of reference prescribe that mode of trial and it should also be at the discretion of the Zillah Judge to refer cases of particular descriptions and not exceeding in value an amount to be specified by Regulation to the Potail and Punchayet for final adjustment. Boundary cases may with peculiar propriety be thus referred for final decision but in cases not specially referred in this manner, the right of appeal will, of course, be allowed.

62. The amount to which the decisions of the Punchayet might be rendered final should in the first instance at least be very small; being however strongly impressed with a conviction of the advantages which might be derived from that mode of trial in point of promptitude and cheapness, we are anxious that its operation should be rendered as extensive as possible consistently with the regular and impartial administration of justice.

63. The Potails, or at the option of the parties, the Punchayet assembled under the authority of the Potail should be empowered to act as *arbitrators* without limitation as to amount in all cases brought before them by voluntary consent under bonds of engagement to abide by the award pronounced and to its being made a decree of the Zillah Court and without appeal except in cases of alleged corruption or partiality proved to the satisfaction of the tribunal to which the application for setting aside the award is made as already provided for by Regulation XVI of 1802.

64. In the provision we have here made for the arbitration of disputes by Potails and Village Punchayets assembled by them it is not our intention to supersede the enactments of Regulation XXI of 1802 as to the reference of suits by the Zillah Courts to that mode of settlement; on the contrary we are of opinion that individuals should be encouraged in all cases to get their differences accommodated by arbitration in the way most agreeable to them nor do we see any objection to investing the Courts of Justice with authority to enforce the execution of awards in private arbitrations provided the litigants shall have previously entered into a written engagement to submit to the decision of the arbitrators and to the award being entered on the records of the Court.

65. In regard to the jurisdiction which should be given to the Potail for deciding suits of his own authority we do not feel ourselves justified in the first instance in directing that his decision or that of a Village Punchayet should be conclusive except in the two cases already mentioned, namely where both parties have voluntarily consented to abide by the decision or where the Zillah Court adverting to the nature of the dispute as well as the amount litigated, have referred the case to the Potail and Punchayet specifically for a final decision.

66. In thus allowing however an appeal from the Village Court to that of the Zillah we by no means intend that the execution of the judgment pronounced by the former shall be stayed during the pending of the appeal except under special circumstances upon which the judge shall be at liberty to exercise his own discretion: such a permission would we fear greatly multiply appeals, and occasion their being lodged for the purposes of vexation or delay. We therefore desire that in all cases not exceeding a certain amount which we leave it to you to fix, the decision of the Potail and Punchayet be forthwith carried into effect; resistance to the process of that Court would constitute a breach of the peace, and fall under the cognizance of the Magistrate.

67. By the ancient system still prevalent under the native Princes there appears to have been an intermediate jurisdiction original and appellate between the Village Courts and those of the Provisional Amildar or Collector namely that of the Tahsildar or Deputy of the Collector. As we do not propose by our present instructions to give Civil Jurisdictions to the Collector we are for the same reasons unwilling to give it to any of the constituted Revenue servants; but at the same time we think it necessary that an intermediate native judicature between the Village and the Zillah Court should, if possible, be established. Such a Court might in some degree diminish the number of appeals to the European Judges and might render it more difficult to obtain a decision through the partiality or corruption of the native Judges, as two sets of natives must thus be persuaded to abuse their trust.

68. This course would enable us also to try the experiment of the Punchayet on a larger scale than that of the Village so as to have a greater selection of persons to exercise that function as all the inhabitants of a village may possibly be connected with one or other of the litigant parties.

69. With this view it has occurred to us that some of the natives who are highest in rank and most worthy of trust whether now employed as Commissioners or not may be invested with a jurisdiction over a certain number of villages, so that there may be three, four or five in a Zillah, each with a peculiar district, and in order to induce persons of that description to undertake the office and to discharge the duties of it with zeal and fidelity, we shall not object to your allowing them a fixed salary, in addition to a fee on the institution of suits brought before them such as is received by the present Native Commissioners.

70. The original jurisdiction to be vested in these native officers of justice might extend to all suits instituted in their Courts for personal property not exceeding 200 Arcot rupees for Malguzary to the same amount, and for Lackiraj not exceeding 20 Arcot rupees assisted, as they should be where either of the litigant parties desire it, by a Punchayet and their jurisdiction might be final to the extent of five pagodas; their appellate jurisdiction (either party in the appeal being allowed a Punchayet) might be final in all cases, not exceeding ten Pagodas and also in regard to suits preferred in the Zillah Courts which the Judges may in analogy to the nature of the references to Potails and Village Punchayets which we have suggested deem it proper to refer in the same special manner to those superior native Judicatories for final determination.

71. By reverting to the established practice under the native Governments of employing the Heads of villages and Punchayets assembled within them in the administration of justice with the introduction of District Punchayets as we have proposed, we are persuaded that we shall confer the most solid benefit upon our native subjects and relieve the European Judges in a very considerable degree from that weight of judicial business, the pressure of which must necessarily have compelled them to depend in a great measure upon the inferior officers of their Court who are open to various temptations to betray their trust and to deceive their superiors. The admission of the Potails and Curnums to this participation in the Municipal administration will be attended with little or no expense to the litigants, for we propose that suits brought under the cognizance of those Village officers should be altogether relieved from Fees and Stamp duties. The inhabitants, as we have before observed, will have the complaints enquired into at their very homes, where the transactions to be investigated can be much

better understood and what is no small consideration where the enquiry will be conducted in a mode sanctioned by the ancient usages of the inhabitants. We are also persuaded that as the authority of these Village officers must necessarily be confined to the cognizance of such matters as occur immediately within their own little communities, the history of which will be within the personal knowledge of every member of it, the best practicable facilities will thus be afforded to a prompt and satisfactory administration of justice.

72. In order that we may be enabled to appreciate the effect of those several measures we are particularly anxious for correct and precise information as to the *nature* as well as the number of suits instituted in the several Courts. We desire that such returns may be made by the several Judges to the Sudder Court as may enable that Court to furnish Government with a yearly or half yearly report, in which the following particulars are to be stated:—

(1) The number of suits instituted before the several Courts now existing or, hereafter created, distinguishing whether they have been decided or dismissed, whether the parties have acquiesced in the decision or have appealed and to what court, and whether the decision has been confirmed or reversed by the Court of appeal.

(2) In regard to Courts which have an original and appellate jurisdiction the returns will distinguish whether the suit comes before the Court originally or on appeal and in the latter case will shew the proportion of appealed sentences respectively reversed or confirmed.

(3) The average value of the matters litigated and the nature of the dispute, the situation of the parties, particularly in cases in any way respecting the rent of the land, whether paid to Government or to Zemindars or other holders of land.

73. Having thus signified to you our sentiments and instructions respecting the system of Civil Judicature within the territory under your authority, it remains for us to pursue the same course with reference to the administration of Police. We have in a foregoing part of this Despatch taken occasion to speak of the hereditary influence which the Potails and Curnums possess within their communities and of the intimate knowledge they must necessarily have of the individuals residing within them; these village superintendents are aided in the performance of their police functions by two officers generally known by the names of Talliar and Toty who properly form part of every village establishment and who, like the Potail and Curnum and all other public servants on such establishments, are supported by Inams or Mauniams, and other emoluments derived from the inhabitants of their respective villages.

74. It is to these officers that Colonel Munro has referred us in his paper of observations to which we have already alluded and in which he states that "in every "village in India there are hereditary watchmen whose business it is to guard the "property of the inhabitants and travellers from depredation and to exert them-"selves in recovering it when stolen; and that there is perhaps no race of men in "the world who are equally dexterous in discovering thieves, that they are main-"tained by the produce of an Inam land, by a trifling tax on each house and by "a small allowance from travellers when they watch their property at night, that "no war or calamity can make them abandon their inheritance; that if driven "from it they always return again and often live in the village when every other "person has forsaken it; and that this long and constant residence together "with their habits of life, makes them perfectly acquainted with the character "and means of livelihood of every person in it."

75. The Committee of general Police after having consulted with all the Judges and Magistrates, Collectors and Commercial Residents in the districts, observe in their report to your Government of the 24th December 1806 that "the "general division of the country into villages and dependent hamlets is well "known and the influence of the head inhabitants of their villages is established "on the broad basis of immemorial usage and prescriptive right. That this "influence had undoubtedly in many instances been abused but that the abuses if "traced would probably be found to originate with the ruling authority and that

"as the object of the power which circumstances lodged in the hands of these "people, was public utility, the inference appeared reasonable that it might by "proper regulations be reformed so as to answer the purposes of its original "institution and that to divert the controlling power of small societies from "the persons in whom it was primarily and naturally vested and to place it in "hands uninterested in the welfare of the society and without any influence "appeared little calculated to conciliate the affections of the powerful or to provide "for the protection of the weak."

76. In perfect unison with these ideas Lord William Bentinck stated that "the Heads of villages were the most proper persons for Police Officers, as having "the greatest influence, that they would be pleased with the consequence which "they would derive from it that they were the only persons acquainted with "every transaction, and who have the power in consequence to prevent robbery "and intrigue and that without the aid of this description of persons there could "be no efficient Police."

77. In the more recently acquired possessions in the peninsula, while the duties of the Magistrate were entrusted to the Collectors much attention appears to have been paid to the preservation of the Village Police, more especially in the Havelly and Circar Lands which constituted the far larger part of those possessions.

78. The Judge of Circuit of the Centre Division referring to the Zillah of Darapooram (comprehending the northern and southern divisions of Coimbatoor) reported to you at the conclusion of the 1st sessions of 1812, that he had "an "opportunity of observing minutely the effect of the excellent arrangements which "had been introduced by the Magistrate for preserving the peace of the district "and securing the property of the inhabitants; that the advantages which had re- "sulted from it were manifest in the general prosperity and apparent happiness "that seemed to reign in every village that he passed through; that the Police "officers were active at their stations and the villagers equally prompt in their "co-operation for carrying into effect the orders of the Magistrate, that the conse- "quence was that few crimes were committed in the Zillah and when they did "occur, such was the promptitude of pursuit that it was scarcely possible for the "offenders to escape from the grasp of justice."

79. The same testimony is borne by the same gentleman in his report on the Zillah of Verdachellum as well as by Mr. Thackeray in his report of 1807. We may add also that further proof is to be found in the reports on the state of the districts of Malabar and Canara and of the Southern Pollams long the scenes of every species of disorder and outrage.

80. On this subject too we must particularly point out to your attention the sentiments of the Select Committee of the House of Commons on East India affairs, as contained in their 5th report, in which you will find much to support and confirm what we have advanced in this Despatch, respecting the Village Police. In concluding their remarks on this point they declare that "they looked to the "arrival of the Talliary Office in every village as the best security of internal "Police."

81. It is the strongest possible recommendation of the Talliary Police, that it secures the aid and co-operation of the people at large in the support and furtherance of its operations; because it is pursued in a mode which adapts itself to their customs and usages and to that scheme of internal polity by which society among them has been held together from the earliest ages and we are firmly persuaded that any system which has been or may be resorted to for the general management of the Police of the Country which is not built on that foundation, must be radically defective in its construction and inadequate to accomplish its intended purposes.

82. We are well aware that in the Northern Circars and in the western pollams, where the possessions of the Zemindars are extensive, and where they had long exercised an arbitrary sway, it is not to be expected that any efforts of the Company's servants in the general charge of the Civil administration should be at

once or very soon felt. But we nevertheless consider it to be perfectly consistent with the nature and principles of the permanent settlement wherever it has been introduced and to be an object, for which indeed specific provision was made at the time, to interpose when occasion may require for the reformation and suppression of any great and prominent evils, which go to frustrate the purposes and ends of all good Government nor can we conceive any thing to have a nearer concern with good Government and the interests and welfare of the country, than the preservation of social order and tranquillity.

83. This we apprehend never can be effected by the feeble operations of a few Darogahs and Peons stationed through an extensive tract of country, wanting in local influence and connection with the people insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and control of the Magistrate and surrounded with various temptations to betray their trust, yet such appear to be the only instrument, by which the details of the Police are conducted in the Zemindary countries. This system has had a fair trial under the Bengal Government, and wherever, as has been the case through the greater part of the Provinces, the Magistrates have had no other agency to depend upon, for the maintenance of the public peace and order than that of Darogahs and peons, the consequence has been that open and daring robberies and every other kind of individual outrage have prevailed to an extent which has rendered the persons and property of the inhabitants utterly insecure.

84. We must therefore call your serious attention to the necessity of taking measures in the Zemindary countries for the purpose of re-establishing this Village Police, agreeably to the usage of the country and of placing it under the orders and control of the Magistrate, and we further direct that in such other parts of the Madras possessions in which it may be found neglected, or in a mutilated condition it be also restored to its former efficiency.

85. The services which will be rendered to the Magistrates by this Police agency when placed on the footing we have described and made to form an immediate branch of our system of Government, will, we are satisfied, enable you not only to reduce the greater part of the present Darogah establishment, but also effect a considerable reduction of the Police Corps still maintained by your Government at a heavy expense, and which nothing but the inefficient condition of the Civil Police could have justified to the extent to which they have been employed.

86. We have, as directly connected with the important question here discussed, bestowed much attention on the arguments which have been alleged by the Committee of general Police for formally investing the Zemindars with the nominal but honorary distinction of a superior authority within their own limits which should vest in them the recommendation of the Darogahs, but the actual appointment of such officers to be in the Magistrate, the individual so appointed to be paid by the Government. If we could encourage the expectation that such an arrangement as the Committee have pointed out, would have the effect of removing any disposition, which this description of persons may at present feel to obstruct rather than to support our measures of internal administration more particularly those of the Police, it would be the strongest possible recommendation in its behalf but we must own that the failure of all endeavours of a similar nature under the Bengal Government, furnishes us with but little expectation that they would in the present instance, answer any useful end.

87. To exclude them however altogether from a system which is to depend in so great a degree upon native agency, would be mortifying to them, and not improbably excite their endeavours to frustrate the intended object, we shall not therefore object to your availing yourselves of their influence in the support of the Police in the manner which has been described, nor even to investing with actual authority for that purpose in such particular cases, in which from the respectability of their characters and their disposition to co-operate in promoting the views of Government, you may deem them fit persons to be entrusted with the powers of an agent of Police.

88. There is another point which we deem of essential and indispensable importance to the rigorous administration of the Police, on which it is highly necessary that we should put you in the possession of our sentiments. We refer to the expediency of transferring the superintendence and control of the Police of the Zillahs to the Collectors of the Revenue with whom it formerly rested. A proposition to this effect was strongly recommended to the adoption of your Government, during the administration of Lord William Bentinck, by the Committee of general Police, in their report to which we have already referred. It then met the decided approbation of His Lordship, and when the subject came before us, we, in our Judicial letter of the 31st January 1810, recommended it to your serious consideration.

89. It is quite evident to our minds that the Collectors of districts are the only persons who can effectually command the Village Police, and regulate and control their conduct and proceedings. The Amildar or Collector under a Native Government invariably administers the affairs of Police, as well as superintends the revenues and among his subordinate agents for the performance of these twofold duties are the Potails and Curnums and the Talliary Police officers. In almost every instance, as we believe, in the British Possessions in India, where the system of realizing the Land Revenue is by Village or by Ryotwar settlements, the Potail and Curnum act as the servants of the Collector, and receive the revenue from the actual cultivators within their villages, and under a Zemindary settlement, they are employed in the same business, with the only difference, that in this latter case, they are employed under the immediate orders of the Zemindar or his people. The services of the Taliar and Toty are also still required in conducting the details of the Revenue under the Potail and Curnum.

90. To place therefore the Superintendence of the Revenue and of the Police in the hands of separate individuals must necessarily produce a collision and clashing of authorities between them in the exercise of their respective functions, for both must mainly rest in the agency of the Village officers who being equally at the call of either, their services may be required at the same instant by both; this, while it must distract the subordinate agent, must in some degree affect the operations of the Magistrate and of the Collector. These two branches of the service are therefore paralyzed by a separation of powers and authorities, which under every Native Government, and even under our own, till of late years, were united in one person, an arrangement which had its origin in the necessary and unavoidable connection which has been established by immemorial usage in India between Police and Revenue duties.

91. We have lately received the report of Colonel Munro to the Committee of general Police, which we directed you to transmit to us in our Public letter of the [*lacuna*] and we have found in it much to strengthen and confirm our opinions and views on the above point.

92. In your letter in the Judicial Department of the 29th February 1812, you have in reply to our Despatch of the 31st January 1810, stated your reasons for having thought proper to negative the proposition of the Committee of Police for uniting these authorities in the Collectors.

93 The great objection which you have urged against the proposed measure is, that "it would be a departure from the fundamental principles of the present "constitution of the Government." We are not disposed at present to enter upon the question generally as to the union of Revenue and Judicial power, but we are satisfied that such a union may safely and indeed advantageously be adopted with reference to Revenue and Police functions.

94. As to the additional expense that would attend the execution of the measure in question, which you have also alleged as a reason against its adoption, we are sanguine in the expectation that an efficient Village Police, placed under the immediate superintendence of the Collector, would so greatly improve the internal order and quiet of the country, that as we have already observed, the services of the Darogah establishments and of the Police Corps which are maintained in some parts of the country, at no small charge, might be gradually dispensed

with. We are particularly led to entertain this expectation as well from what has been stated on this subject by the Committee of general Police (to which we called your attention in our Judicial letter of the 31st January 1810) as by Colonel Munro in his paper of communications already referred to, and by Colonel Wilks in his "Sketch of the South of India." By Colonel Munro it is observed that by reverting to the Village Institutions an "expensive Police, which has been formed "within these few years, and is still increasing, might be abolished, as not only use- "less but vexatious to the country, that there was already an ancient system of "Police in India which answered every useful purpose, and which required no other "aid unless that of being restored where it may have been destroyed by violence." By Colonel Wilks it is affirmed that "the new establishment of Police on which "such large sums have been unnecessarily expended might be entirely reduced, by "putting into activity the admirable institution of Village officers, instead of "attempting to destroy that excellent instrument of Police, of which (he adds) I "speak not from vague tradition of what it has been, but from a close observation "of what it is."

95. Though we disapprove of the Darogah branch of the existing system of Police as ineffectual and ill-adapted to its intended purpose, we are thoroughly satisfied of the necessity of some intermediate link of agency between the Magistrate and the Village Officers, under whose authority and control the latter should be more directly placed. The Tahsildars of districts form a part of the regular establishment of the Collector to whom we propose to transfer the duties of Magistrate; and as in their subordinate administration of the revenues of their districts they are closely connected and in constant communication with the Potails and other Village Officers, they at once appear the fittest substitutes that can possibly be provided for the Darogahs. By adding the functions of Police to the Revenue duties they at present discharge (and both invariably belong to them under a Native Government) you will completely effect that union of the two departments, which is, in our firm persuasion, alone compatible, in an Asiatic country with the efficacy and vigour of either. We conceive that all the arguments and considerations which have been urged in favour of vesting the general superintendence of the Police in the Collector equally apply, in principle, to the employment of the Tahsildars, as their immediate Agents in this latter branch of the Public service.

96. Under all the circumstances and considerations which we have here brought forward, supported and established as they are by such highly respectable authorities, we are confirmed in the opinion that the arrangement we have proposed respecting the Police, is the best that it is practicable to devise.

97. The agents of the Collector in the administration of the Police, will be the district Amildars or Tahsildars, and the Village Potails, Curnums, and Talliars aided as occasion may require by the Amildars' peons, and by the Cutwals and their peons in large towns.

98. We shall now furnish you with our ideas on some points connected with the administration of criminal justice.

99. We consider it to be one great advantage which will attend the modifications of the existing system of Civil Judicature which we have instructed you to adopt, that they will so much relieve the Judges of the Provincial Courts from the duties which they now have to discharge, in hearing appeals from the decisions of the Zillah Judges, as to leave them little more to attend to than the Criminal business of the Circuits, which, we find, had induced you in the year 1808, to empower the Nizamut Adalet occasionally to dispense with the periodical vacations of those courts, and which, we further perceive, from the preamble of Regulation I of 1811, had in some instances been so heavy that the half-yearly Circuits had not been completed before the arrival of the period fixed for the commencement of the ensuing Circuit.

100. It is however but too evident that the great extent of the local jurisdictions of the Courts of Circuit must still in various ways act as a serious impediment to the vigorous execution of the Criminal Laws. The Committee of general Police,

in stating their sentiments on the judicial Code, have observed that amongst other defects it has the disadvantage of deterring and discouraging persons from informing against or prosecuting public offenders by the expense "and loss of time "attending a prosecution, which, instead of producing benefit to them, adds to "their misfortunes." This disinclination to prosecute, and the impunity with which in consequence of it, offenders too often escape the punishment due to them, necessarily gives a confidence to the dishonest and depraved part of the community in the commission of crimes and misdemeanours, which must sensibly increase their number. It is further stated by the Committee of Police that the mode of administering criminal justice, under the system of half-yearly Jail deliveries, is so tardy (we should rather say the quantity of business to be got through is so great) that petty offenders who are only sentenced to imprisonment for two or three months as the punishment of their crimes, may be four or five months in confinement, before they are put upon their trial, and that the period of punishment prescribed by the Law is thus postponed to so late a date after the commission of the crime, that the advantage of the example is lost.

101. It was these considerations which induced the Committee to recommend that the Zillah Judges, Collectors, and Commercial Residents should be empowered to hold Quarterly Sessions for the trial of offences which might not be of sufficient magnitude to require being postponed, until the arrival of the Court of Circuit.

102. By Regulation I of 1811, you have specially provided for the holding of Quarterly Sessions in the Zillahs of Masulipatam, Chittoor, Trichinopoly and North Malabar by one of the Provincial Judges, not engaged in the half-yearly Circuit. We are strongly of opinion that it would very much conduce to the more prompt and convenient administration of criminal justice, if the Zillah Judges were to be so far invested with a jurisdiction in criminal matters as to enable them to hear and determine all cases of public offence, not of a capital nature, and now cognizable by the Courts of Circuit only, which might be brought before them by the Collector in his magisterial capacity, with a limitation in regard to corporal punishment to 50 rattans, in regard to fines, to 200 Arcot rupees, and as to imprisonment, to one year. We also conceive that the same desirable and important end would be materially furthered, were the Collectors, acting as the Magistrates of Zillahs, to be empowered to punish offenders by corporal punishment to the extent of 30 rattans, by fine not exceeding 100 Arcot rupees, and by imprisonment not of longer duration than three months. We are not prepared to recommend that the Collectors should be associated with the Zillah Judge in the trial of offences at Quarterly Sessions; but we think this is matter worthy of consideration, and if you should deem the measure expedient, we authorize you to adopt it.

103. It is also matter worthy of your consideration, whether in criminal cases, the sentence of the Provincial Courts of Circuit may not be carried into immediate execution without a reference to the Nizamut Adalet, when the guilt is clearly established, and there seems to the Circuit Judge no ground for recommending the prisoner to mercy; and with the same view of expediting the administration of the Criminal Law, whether the present forms of proceeding in the Courts of Circuit will not admit of simplification consistently with the substantial ends of justice.

104. In addition to the advantages which we contemplate from the employment of the Collectors in the administration of Criminal justice, we are satisfied of the necessity of that arrangement from a reference to the letter from Bengal of the 2nd January 1813, which informs us, that the Judicial establishment of that Presidency urgently requires that an Assistant should be added to the Register at each of the stations of the Zillah and City Magistrates, and that of 60 writers required to be sent out this season, in addition to the usual numbers annually furnished, thirty nine are expressly stated to be wanted for the Judicial department. The finances of the Company are certainly not equal to the pressure of such an establishment, and we trust that by the improved system of Judicial administration which you are directed to carry into execution you will be enabled at once to abolish the office of Assistant Judge.

105. We cannot pass by this opportunity of recalling to your attention the observations contained in our Revenue letter of the 16th December 1812 as to the enforcement of the regulations concerning *Puttahs*; a strict observance of that Regulation would tend, we are convinced, equally to the benefit of the landholders and their tenants by rendering their respective rights and obligations more certain; it would facilitate the adjustment of disputes concerning rent or cultivation and would thereby operate as an additional relief to the Courts of Justice.

106. We trust that in consequence of our former reference to this subject, it has already occupied your attention. We are of opinion also that the regulations relating to *distraints* require revision and amendment. The power of distraints without Judicial Process which is given by Regulation XXVIII of 1802, is admitted to be one of the severest oppressions to which ryots and others can be exposed. The Puttah Regulation, duly observed, would afford the best safeguard against such oppression, and would have the effect of preventing in a great degree those disputes respecting rent, by which the country is so frequently disturbed; the enforcement of it is a concern of Government, and the means of carrying it into execution ought to be secured by an adequate process.

107. The superintendence of this matter naturally falls to the Collector, in his magisterial capacity, whose duty it should be with the assistance of the native officers under him to take cognizance of any breach of this Regulation whether by the refusal or neglect to grant Puttahs; no demand of a Zemindar &ca for arrears of rent should be receivable in any Court but on a Puttah, nor should he be at liberty to proceed to sell under distraint, without an order from the Collector founded (if that should be necessary) upon a report from Potail or Tahsildar, and the Village and District Punchayet respectively.

108. In furnishing you with these instructions for the enforcement of Puttahs we think it proper, at the same time, to declare that we by no means intend that the Zemindar should be released from the provisions of the existing law, as to the rates of assessment on the land, but that he be equally liable as before, to the penalties attendant upon an infringement of them.

109. In another numerous class of cases described in Regulation XXXII of 1802 Vizt. those of *disputed boundaries*, the Collector should have the nominal jurisdiction, that is, he (and his subordinate officers according to the extent) should decide them on the verdict of a Punchayet. We see no other mode of settling such litigated points in a satisfactory manner.

110. We have only further to add to this Despatch our particular injunction that in any regulations which you may pass, for the purpose of notifying the alterations of system we have prescribed, that they may be expressed in a style and in a language the most familiar to the comprehension of the natives, and divested of technical terms borrowed from the legal forms and phrases of our Judicatures in this country, and that you also employ the best practicable means of circulating them among the inhabitants and of rendering them acquainted with the nature of such regulations.

III—Judicial Despatch from the Court of Directors, dated 4th May 1814.

1. In our Revenue Despatch of the 2nd May 1804 we called your attention to the advantages which might be derived from the occasional employment of a Committee of our servants to examine into the state and condition of the Provinces under your Government and to report to you fully upon every subject connected with their prosperity.

2. The modifications in the present system of internal administration pointed out in our present Judicial letter of the 29th ultimo will render it particularly desirable that you should have recourse to a similar measure for carrying into execution the orders and instructions contained in that letter, this Commission to be limited to three years unless the Government represent to the Court of Directors the necessity for its further duration.

3. Colonel Thomas Munro who returns to Madras by the fleet now under dispatch appears to us to be peculiarly qualified to act at the head of whatever Commission you may judge it necessary to appoint and we therefore direct that he may be nominated as first in the Commission with a salary of 10,000 *pagodas a year* in addition to his travelling and other necessary expenses, the account of which must be verified in the way prescribed with regard to similar charges under the Political Residencies.

4. The extensive knowledge and experience of Colonel Munro in the interior administration of affairs under your Presidency have induced us to deviate in his particular instance from the rule which we have laid down of not employing Military officers in Civil situations. We therefore direct that whatever other appointments may be made by you shall be filled from our Covenanted Civil Servants and that the allowances to be granted to them may not exceed what you may deem to be a reasonable remuneration for their services.

5. You will not fail to transmit to us by the earliest opportunity such reports as you may from time to time receive from Colonel Munro and from the other gentlemen who may be employed on this important service.

IV—Judicial Consultation, dated 23rd September 1814, No. 453.

Read—the following paper:—

President's Minute, dated 20th September 1814.

In obedience to the instructions conveyed to this Government in the letter from the Hon'ble the Court of Directors, dated the 4th of May last, the President proposes that Colonel Thomas Munro be appointed First Commissioner in the Commission by which the system of internal administration is to be revised.

Letter—from the Chief Secretary to Government.
To—Colonel Thomas Munro.
Dated—Fort St. George, the 23rd September 1814.

1. I am directed by the Right Honorable the Governor in Council to transmit for your information the enclosed copies of two Despatches from the Honorable the Court of Directors, bearing dates the 29th of April and 4th of May last, and to state that in pursuance of the wishes of the Honorable Court, the Governor in Council has appointed you to be First Commissioner in the Commission by which the system of internal administration for these provinces is to be revised with the salary of ten thousand pagodas per annum fixed by the Honorable Court, which will commence from this date.

2. His Excellency the Commander in Chief has been duly apprized of your appointment, with a view to your immediate relief from all military duty.

V.—Judicial Consultation, dated 23rd September, 1814, No. 519.

Letter—from the Chief Secretary to Government, Fort St. George.
To—Colonel Thomas Munro, First Commissioner for Internal Administration.
Dated—Fort St. George, the 23rd September 1814.

1. The Right Hon'ble the Governor in Council having been pleased to appoint you First Commissioner of Internal Administration, you will be guided by the following instructions.

2. You will report to Government on the means which you deem best calculated for carrying into effect the modifications in the present system of internal administration specified in the Judicial Despatch of the 29th of April 1814, from the Court of Directors, a copy of which is forwarded to you.

3. You will report occasionally how far these modifications, when introduced, may appear to answer the end of their adoption, and generally, on every point which you think may contribute in any way to the improvement of the present system.

4. You will correspond with the Court of Sudder Adalet, and the Board of Revenue, or directly with the subordinate Courts of judicature, Magistrates, and Collectors, and call for information on every matter which you may deem to be connected with the duties of your office.

5. You will, as often as you may judge it expedient, visit the districts for the purpose of communicating personally with the local authorities on the system of internal administration, its operation whether in opposing or promoting the comforts of the people and the prosperity of the country, and the means by which it may be improved.

6. You will submit to Government an estimate of the number, and pay of the Native servants and of every expense that will be necessary for your department.

7. You will transmit your accounts regularly to the Accountant General and Civil Auditor.

8. The Court of Sudder Adalet, and the Board of Revenue will be furnished with copies of these instructions.

VI—Judicial Consultation, dated 3rd January 1815.

Letter—from Colonel Thomas Munro, First Commissioner for Internal Administration.
To—the Chief Secretary to Government, Fort-St. George.
Dated—Madras, the 13th December 1814.

I have already had the honour to acknowledge the receipt of your letter dated the 23rd September last apprising me that the Right Hon'ble the Governor in Council had been pleased to appoint me First Commissioner in the Commission by which the system of internal administration for these provinces is to be revised and also of the Secretary in the Judicial department's letter of the same date containing my instructions.

Previously to submitting to Government any propositions for carrying into effect the modifications in the present system of internal administration ordered by the Hon'ble Court of Directors in the Despatch dated the 29th April last, I thought it advisable to ascertain whether or not the orders of the Hon'ble Court might not already in some points have been anticipated by Government in this country. With this view I perused all the proceedings of the Committee of Police which sat in 1805 and 1806, and likewise all the reports made within the last three years in consequence of the circular letter from the Chief Secretary, dated the 28th November 1811, by the Judges and Magistrates and the Committee of Police. The queries in the Chief Secretary's letter embrace every object which could throw any light on the state of the Police and will save much time to the Commission as they have drawn together a body of useful information in the reports of the local authorities and the Committee of Police which the Commission could not have obtained without circulating similar queries and waiting several months for the answers.

As many of these answers however are defective in their statements of the strength of the Village Police establishments and of the funds whether in land or money available for their maintenance, as any information tolerably accurate on this head cannot be got without a tedious investigation on the spot, and as it will at the same time be necessary in order to fulfil the instructions of the Court of Directors to alter many of the existing regulations, I beg leave to submit to Government the expediency of appointing another Commissioner for the accomplishment of these objects.

President's Minute thereon, dated Fort St. George, 3rd January 1815.

Colonel Munro having requested in his letter of the 13th ultimo, that another member may be added to the Commission with which he is charged, I deemed it proper, in consideration of the great confidence deservedly reposed in that officer by the Hon'ble the Court of Directors, to consult with him regarding the gentleman whom, with our sanction, he would prefer as a co-adjutor in his important labours. Having accordingly ascertained that he is desirous Mr. George Stratton should be appointed Second Commissioner, and that this gentleman is in every respect qualified for the office, I have the honour to recommend that he be nominated the second Commissioner, with a salary of twelve thousand pagodas *per annum*, to cover all charges for travelling and other necessary expenses.

Having also been informed by Col: Munro that from the nature of the enquiries to be made and of the reports to be prepared the objects of the Commission would be greatly facilitated if its second member were at the same time a Judge of the Sudder Adalet, and concurring in what I understand to be the opinion of the gentlemen of Council, that a third Judge is indispensably required for the due discharge of the functions of that Court, I am further induced to recommend that Mr. Stratton be appointed to officiate in that capacity, on his salary of Commissioner until the pleasure of the Hon'ble the Court of Directors can be ascertained.

I am disposed to think, from the observations of Col: Munro, that the services of Mr. Stratton as a member of the Commission will be generally employed, with most advantage, at the Presidency. In this respect, however, much may be left to his own discretion, and I consequently propose, that he be desired to divide his attention between his two offices in such manner as in communication with the other Judges of the Sudder Adalet, and with the First Commissioner, he shall have reason to believe to be most expedient for the Public Service.

As it appears that the Hon'ble the Court of Directors object to the nomination of a third Judge of the Sudder Adalet principally on the grounds of the increased expenditure such an appointment would occasion, it is satisfactory to observe that by the proposed arrangement this objection would be entirely obviated, as Mr. Stratton is to receive no salary as third Judge in the Court of Sudder Adalet, but will act in that capacity upon the salary of Second Commissioner. The only remaining objection which could be opposed to the nomination of Mr. Stratton, on the ground of his seniority to Mr. Greenway, the second Judge on the fixed establishment of the Sudder Court, will be effectually removed by his own consent, officially communicated, to act as third Judge of the Court under a junior servant in conformity to the provision made for such a case by the clause of the new charter.

Letter—from the Chief Secretary to Government.
To—Colonel Munro, 1st Commissioner for Internal Administration.
Dated—Fort St. George, 3rd Jany. 1815.

I am directed to acknowledge the receipt of your letter of the 13th ultimo and to inform you that, in consequence of the recommendation which it contains, the Right Honorable the Governor in Council has been pleased to appoint Mr. Stratton a member of the Commission over which you preside. I enclose a copy of the letter acquainting Mr. Stratton with his appointment.

From—the Chief Secretary to Government.
To—George Stratton Esqr.
Dated—Fort St. George, 3rd January 1815.

I am directed to inform you that the Right Hon'ble the Governor in Council has been pleased to associate you with Colonel Munro in the Commission appointed to carry into effect certain orders of the Hon'ble the Court of Directors, and

also to appoint you to officiate as third Judge of the Court of Sudder and Foujdary Adalet until the pleasure of the Honble the Court of Directors be known.

2. The Governor in Council is disposed to think that your services as a Member of the Commission will be generally employed with most advantage at the Presidency, but desires that your attention may be divided between the separate duties with which you are charged in such manner as, in communication with the other Judges of the Sudder Adalet and with the First Commissioner, you may have reason to believe to be most expedient for the public service.

3. The Governor in Council has been pleased to fix the salary of second of Commission at twelve thousand pagodas *per annum*, which is to include an allowance for travelling and the necessary expenses.

4. You will be pleased to attend at the meeting of Council on Tuesday the 10th instant to take the prescribed oath of a Judge of the Sudder and Foujdary Adalet.

VII.—Judicial Consultation, Dated 1st March 1815.

Read—the following :—

Letter—from Colonel Thomas Munro, First Commissioner for Internal Administration.
To—the Chief Secretary to Government, Fort St. George.
Dated—24th December 1814.

1. In my letter of the 13th Instant I stated that I had carefully examined all the reports from the Judges, Collectors and Commercial Residents to the Committees of Police from 1805 to the present year. From these materials very able reports have been framed both by the late Committee of Police and by that which preceded it and both have suggested several important improvements in the existing system of Police. But none of these have yet been carried into effect, nor have any of the amendments ordered to be made by the Hon'ble Court of Directors in their Judicial Despatch of the 29th April last, been rendered unnecessary by any late Regulations of Government.

2. As the whole subject of that Despatch therefore still remains for consideration, it may be proper to submit to the Governor in Council an abstract of its contents exhibiting under two heads—first, all those matters which Government after referring to the Sudder Adalet and Subordinate Courts for their opinion are to adopt or reject as they think fit, and secondly, all those on which the order for carrying them into effect is imperative, and no discretion is left with Government and then to suggest the means by which the proposed alterations may be most readily accomplished.

3. The points which are to be referred to the Sudder and Subordinate Courts for their opinion, and on which Government may exercise their discretion are as follows :—

Judicial Despatch from the Court of Directors, dated 29th April 1814. Para. 23.

(1) A Revision of the forms of process in the Sudder and Subordinate Courts, "with the view of rendering the proceedings in "Civil cases as summary as may be compatible with the ends "of substantial justice." Under this general injunction, attention is called to the following particulars.

Do. Para. 24.

(2) Whether or not the reply and rejoinder may be dispensed with.

Do. Para. 25.

(3) Whether "the practice prescribed by Regulation III, 1803 of taking "down in writing all depositions altho' delivered orally in "open Court" be necessary or not.

Do. Para 26.

(4) A mature consideration of the subject of employing licensed vakeels with a view of devising if it be possible, a remedy for an evil so generally acknowledged.

Do. Para 27.

(5) Whether the restrictions which formerly existed under Regulation II of 1802 on appeals from the Registers and Judges of the Zillah Courts should not be revived.

(6) Whether the fees and stamp duties imposed by Regulations IV, V, and and XVII, of 1808 have not served "to discourage and often "to preclude the fair claimant from applying to our "Judicatories."

Judicial Despatch, 29th April 1814. Para 30.

(7) What is the amount of the sum within which the execution of the judgment pronounced by the Village Potail or Punchayet should not be stayed by appeal to the Zillah Court.

Do. Para 66.

(8) Cases in which the principal Zemindars may be entrusted with the powers of an agent of Police.

Do. Para 87.

(9) Whether or not it would conduce "to the more "prompt and convenient administration of criminal justice if "the Zillah Judges were to be so far invested with a jurisdiction in criminal "matters as to enable them to hear and determine all cases of public offence not "of a capital nature and now cognizable by the Courts of Circuit only."

Do. 102.

(10) Whether the same important end would not "be "materially furthered were the Collectors acting as the "Magistrates of Zillahs to be empowered to punish offenders by corporal punish-"ment to the extent of 30 rattans, by fine not exceeding 100 Arcot rupees, and "by imprisonment not of longer duration than three months."

Do. Para 102.

(11 Whether or not "the Collector should be associated "with the Zillah Judge in the trial of offences at quarterly "sessions."

Do. Para 102.

(12) Whether "the sentence of the Provincial Courts "of Circuit may not be carried into immediate execution "without a reference to the Nizamut Adalet when the guilt is clearly established, "and there seems to the Circuit Judge no ground for recommending the prisoner "to mercy; and with the same view of expediting the administration of the "Criminal law, whether the present forms of proceeding in the Courts of Circuit "will not admit of simplification consistently with the substantial ends of justice."

Do. Para 103.

4. The following are the points of modification in the Judicial system on which the order for carrying them into execution is positive and on which no other discretionary authority is left with Government than merely as to the manner in which this is to be done.

(1) No further appeal to be permitted to lie "from a "decision of a Zillah Court on an appeal from the Register, "or from any Native Tribunal."

Do. Para 27.

(2) Village Punchayets to be authorized to hear and determine suits.

Do. Paras 58, 61, 62-63.

(3) The Potail or Head of the village "by virtue of his "office to execute the functions of Commissioner within the "Village in the several modes prescribed by the Regulations."

Do. Para 60.

(4) Intermediate Native "Judicatures between the Village and Zillah Court "to be established and to be invested with a jurisdiction over "a certain number of villages so as that there may be three, "four or five in a Zillah, and the Judges to receive a fixed salary in addition to a "fee on the institution of suits brought before them."

Do. Paras 67, 69.

The order for the establishment of these Native Judicatures though not absolutely unconditional is so far positive that nothing but some very serious obstacle is to prevent its execution.

(5) The Punchayet on a larger scale than that of the village so as to have a greater selection of persons "to be "employed under the native District Judge."

Do. Paras 68, 70, 71.

(6) Suits brought under the cognizance of the Potails and Curnums to be altogether relieved "from fees and stamp duties."

Do. Para 71.

(7) The Sudder to receive from the Subordinate Courts and furnish Government with yearly or half yearly reports of the nature and number of suits "in which the following particulars are to be stated."

Do. Para 72.

(1) The number of suits instituted in each Court now existing or hereafter created, decided or dismissed, appealed or not, to what Court, confirmed or reversed.

(2) Original and appellate Courts to shew original and appeal suits, and proportion of appeals reversed or confirmed.

(3) Average value of matter litigated, nature of the dispute, situation of the parties particularly in cases of land, whether paying rent to Government or Zemindar, or other holders of land.

(8) The Village Police agreeably to the usage of the country to be re-established in the Zemindary countries and placed under the orders and control of the Magistrate and "in such other parts "of the Madras possessions in which it may be found neglected or in a mutilated "condition to be also restored to its former efficiency."

Judicial Despatch, 29th April 1814. Para 84.

Do Para 85. (9) On the completion of the Village Police the Darogha establishment and the Police Corps to be reduced as far as practicable.

Do. Paras 89, 90, 93 & 94. (10) The superintendence of the Village and Zillah Police to be transferred to the Collector.

Do. Para 95. (11) The Police of districts to be under the Tahsildar instead of the Darogha.

(12) "The Agents of the Collector in the administration of the Police will be "the District Amildars or Tahsildars & the Village Potails, "Curnums & Talliars aided as occasion may require by the "Amildar's peons, and by the Cutwalls and their peons "in large towns."

Do. Para 97.

Do. Paras 95 & 102. (13) The office of Zillah Magistrate to be transferred to the Collector.

Do. Paras 105, 106–107. (14) The enforcement of the Puttah Regulation to be secured by an adequate process under the superintendence of the Collector in his Magisterial capacity.

Do. Para 107. (15) "No demand of a Zemindar &ca for "arrears of rent "should be receivable in any Court, but upon a puttah."

Do. Paras 106, 107. (16) No Zemindar to be at liberty to proceed to sell under distraint without an order from the Collector.

Do. Para 109. (17) Cases of disputed boundaries to be decided by the Collector on the verdict of a Punchayet.

5. The above abstract exhibits all the alterations in the Judicial system which the Court of Directors have ordered either to be taken into consideration, or to be carried into execution by Government; of this last class by far the most important one is the transfer of the Police and Magisterial duties from the Zillah Judge to the Collector, and as all the rest are subordinate to and dependent upon this, it must necessarily be carried into effect before any one of them can be brought forward. I would therefore recommend that the Court of Sudder Adalet should be directed to prepare without delay a regulation for transferring the office of Magistrate and Superintendent of the Police from the Zillah Judge to the Collector. It would perhaps be advisable that this regulation should be as short as possible, should be free from all details, and should simply authorise the transfer and leave the Collector as Magistrate to be guided by the existing regulations. A more comprehensive regulation containing all the rules which it may be deemed expedient to insert may be framed hereafter, but no time should be lost in issuing the short one proposed.

6. After investing the Collector with the authority of Magistrate, the Court of Sudder Adalet might be directed to prepare regulations to give effect to the other arrangements ordered by the Court of Directors proceeding in the order of their relative importance. The first regulation on this principle therefore should be one for restoring the management of the Village Police to the Heads of villages and of the District Police to the Tahsildars or Amildars under the Collector. The second should be a regulation for constituting Heads of villages by virtue of their office Native Commissioners, and for the direction of village Punchayets. The third should be a regulation for the appointment and guidance of Native District Judges or Commissioners and District Punchayets.

The fourth should be a regulation authorising the Collector as Magistrate to enforce the Puttah regulations.

The fifth should be a regulation to prevent Zemindars and Proprietors of land from distraining without the authority of the Collector.

The sixth should be a regulation placing the decision of the cases of disputed boundaries alluded to in regulation XXXII of 1802 in the hands of the Collector.

7. These six regulations together with the one for transferring the authority of Magistrate to the Collector will comprise all the points on which the orders from hence are positive and which therefore require immediate attention; after they are finished the other articles which embrace a revision of the process of the Civil and Criminal Courts, the granting of Criminal jurisdiction to the Zillah Judge, and the associating of the Collector with him at the Quarterly Sessions on which subjects the instructions of the Court of Directors are not absolute but conditional may be taken into consideration.

Resolution, dated 1st March 1815.

On the appointment of Colonel Munro as first Commissioner, he was furnished with a copy of the Despatch from the Honorable the Court of Directors dated the 29th of April 1814, and instructed to report to Government on the best means of carrying into effect the modifications of the present system of internal administration specified in that Despatch. The letter now recorded contains his first report. In that letter he states that the whole subject to which the Honorable Court's Despatch relates still remains for consideration, and, after submitting an abstract of the contents of the Despatch prepared under two heads, he recommends that the Sudder Adalet should be instructed to frame seven regulations, concerning certain points whereon the orders of the Court of Directors are positive, after which the other points embraced by the Honorable Court's Despatch may, he observes, be taken into consideration.

The report submitted by Colonel Munro has rendered it necessary for the Governor in Council to take a particular survey of the whole contents of the Honorable Court's Despatch and these are found divided into three separate branches, viz., the established system of Judicature, the present police arrangements, and the administration of criminal justice.

The objections which the Honorable Court have urged against the established system of Judicature are the following.

Paragraph 5. (1) That it is attended with an expense amounting to £348,262 *per annum*, which they are satisfied cannot be reduced without a revision of the whole system.

6, 7, 8, 9. (2) That the object of introducing it into Bengal was to expedite the administration of justice, in which object it has failed, and that the expedients for reducing the arrears of suits which are relied upon here have in Bengal been tried in vain.

9, 10, 11, 18. (3) That it discourages fair suitors from seeking redress, and compels both litigants and witnesses, particularly the Heads of villages, to undertake vexatious journeys, and that affrays take place from the disputes of the people being left unsettled.

12, 13, 14, 15. (4) That Natives are much better qualified than Europeans to sift and appreciate native testimony and that Europeans must obviously labour under great disadvantages from their imperfect knowledge of the native languages, and must therefore be liable to error, be dependent on their native servants and be dilatory in the despatch of business.

18, 19, 20, 24, 25. (5) That it is encumbered with useless and injurious forms, foreign to the habits of the people.

21, 22, 23. (6) That these forms have caused the necessity of employing vakeels, whose usefulness has been greatly questioned.

27, (7) That it admits too freely the right of appeal.

28 29 30, 31, 32. (8) That the institution fees and stamp duties which are required to reduce the arrears of suits, must discourage the fair suitor.

After illustrating and enforcing these objections to the established system of
Judicature, the Honorable Court express their opinion that
33. the administration of justice may be improved by the employ-
34. ment of intelligent natives in that duty and that a foundation
may at the same time be laid for a reduction of expense.
They take a view of the manner in which under the Native Governments disputes
used to be settled by the Potails and Punchayets, with an appeal to the Amildar;
they observe that the Potail and the Curnum, who assisted
35. 36. him, enjoyed an established revenue, were regarded by the
people as their natural superiors, are the native gentry and possess a knowledge of
the people and of their concerns. The Honorable Court
37. takes notice of their having been employed in a Judicial
capacity before the present system was introduced, of their
38, 39, usefulness in that capacity, as well as of their influence and
40, 41. loyalty being recognized by respectable authorities, and in
fine pronounces them to be the fittest instruments for
42, 43, 44, 45, 46, 47 administering justice and superintending the police. They
48. advert to the employment of native Commissioners as having
been attended with advantage, but conceive that Potails and
Curnums must be greatly preferable to native officers *appointed* by Government
and very inadequately rewarded, as the former are already possessed of rank and
influence and receive a remuneration for the office which is to be restored to them.
They entertain no doubt that these municipal officers will gladly resume their
functions and will be most acceptable to the people. They
49. direct that the institution of Punchayets shall also be restored;
51. they take notice of the mode in which the proceedings of
52, 53, 54, 55, 71. that tribunal were formerly conducted, and they strongly
insist on the benefits which will result from its being again brought into operation.
The Honorable Court finally advert to the proneness of the natives to corruption
as the chief argument against native agency on an extensive scale, but observe
that that disposition may be checked by means of a constant and pervading
superintendence.

On the foregoing observations are founded and in the course of some of them
are contained the orders which the Hon'ble Court have given, regarding the
established system of Judicature. The modifications of the system which they
propose to introduce are the following:

(1) That the Potail, by virtue of his office shall act as
60. Commissioner and Referee in his own village;

(2) That either party may require the Potail to summon
61. a Punchayet;

(3) That some cases, particularly boundary disputes,
shall be referrable to the Potail and Punchayet for final
62. decision;

(4) That the amount to be decided by them shall be small
62. at first;

(5) That they shall act as arbitrators without limitation or appeal otherwise
than on a charge of partiality or corruption, but shall not
63. supersede the subsisting provisions with respect to arbitra-
tion;

(6) That their decisions shall not be final except in cases
65. specially referred to them, under the 3rd article and in cases
of arbitration;

(7) That execution shall not be stayed pending an
66. appeal, unless the amount at issue exceed the limit to be fixed
by Government;

(8) That an original and appellate judicatory shall be established interme-
67, 68, 69, diately between the Potail and the Judge, and that a native of
70. the highest rank and respectability shall preside over it with
a salary and an institution fee, shall be assisted by Punchayets when demanded,
and shall possess jurisdiction over such a number of villages as that there be four
or five in a Zillah.

(9) That the original jurisdiction of this Court shall extend to all suits for
70. personal property or malguzary land not exceeding two
hundred rupees or lackiraj land not exceeding twenty rupees and that its decision shall be final in original cases for no more than five pagodas, in appealed cases for no more than ten pagodas and in special cases of the same kind as those to which the 3rd article has reference.

(10) That suits brought before the Village Courts shall not be charged with institution fees or stamp duties.

Under the same branch of the subject, the Honorable Court direct that no appeal may in future lie from the decision of a Zillah Court
23, 24, 25, 26, 27, 30, on any appeal from the Register or from any native tribunal,
72. and issue the instructions enumerated under the six first
heads of the third paragraph of Colonel Munro's letter of the 24th of December, and also call for certain reports from the Sudder Adalet.

The second branch of the general subject discussed in the Hon'ble Court's Despatch concerns the present Police arrangements. The Hon'ble Court again advert to the hereditary influence and local information of the Potail and Curnam,
73, and observe that in the discharge of Police functions they
74, 75, 76, 77, 78, 79, had the aid of taliars and toties, remunerated in the same
80, 81. manner as they were. They quote testimony in favour of
82. these instruments of Police administration, remarking that
it is only through them that the co-operation of the people can be obtained. The Honorable Court express their opinion that the Permanent Settlement presents no obstacle to the employment of the village officers
83. in Police duties. They state that daroghas and peons must
constitute a very inefficient system of Police, and that the system after a fair trial
84, has utterly failed in Bengal. They therefore direct that the
85, 94. Village Police shall every where be restored to its former
efficiency, expressing a conviction that the greater part of the present Darogha
86, 87. establishments may then be reduced, as well as the Police
corps still maintained at a heavy expense. With reference to a proposal brought forward in 1806, the Hon'ble Court remark that they will
88, not object to the employment of the Zemindars for purposes
89, 91. of Police. They describe it as a point of essential and indispensable importance that the superintendence and control of the Police should be
90, 95. transferred to the Collectors, pointing out the propriety of the
93. transfer, on the ground of its being conformable to the
ancient usage of the country, and observing that clashing and collision would
95. follow the separation of Revenue and Police authorities and
that both would thereby be paralysed. They state that, without discussing the subject of uniting revenue and judicial power, they are satisfied
96. that Revenue and Police power may safely and advantageous-
97. ly be united. They observe that the Tahsildar seems to be
the best intermediate authority between the Collector and the village officers, and that the employment of the Tahsildar in that manner rests on the same grounds of propriety as the transfer of Police duties to the Collector. They conclude their remarks on this branch of the subject with stating that the police system proposed by them is in their opinion the best practicable and with enumerating the agents who under it will be employed by the Collector for the purposes of police.

The last branch of the subject as divided in the Honorable Court's Despatch
98. regards the administration of Criminal justice. The Honor-
99, 100, 101, 102. able Court state that although the Provincial Courts will
under the proposed modifications of the system of judicature have little more than the criminal business of their circuits to attend to, yet in consequence of the impediment to the vigorous execution of the criminal laws created by the great local extent of the jurisdiction of those courts, they nevertheless are strongly impressed with the opinion that Zillah Judges should invested with a certain jurisdiction in criminal matters, now cognizable only by the Circuit Courts. They also conceive that it would be desirable that Collectors, acting as Magistrates,

should be empowered to punish offenders to a limited extent, and that it is worthy of consideration whether the Collector should be associated with the Zillah Judge for the trial of offences at Quarterly Sessions.

103. They further desire that the Government shall consider whether in cases where guilt is clearly established and where there seems no room for mercy, the sentence of the Circuit Court ought not immediately to be executed without reference to the Foujdary Adalet, and whether any of the present forms of proceeding in the Circuit Court might not admit of being advantageously simplified. They express their confidence that the modifications of the judicial system will enable the Government at once to abolish the office of Assistant Judge.

The Honorable Court's Despatch concludes with some remarks not necessarily connected with the three branches of the subject discussed in the preceding part of it.

105, 106. They urge the enforcement of the Puttah Regulations, as tending to render the respective rights and obligations of both landholders and tenants more certain, and to facilitate the adjustment of disputes concerning rent and cultivation, and as affording the best safeguard against the abuse of the power of distraint. They observe that this matter falls under the superintendence of the Collector in his Magisterial capacity, who ought to take cognizance both of the refusal

107 and of the neglect to grant puttahs. They state that arrears of rent should not be receivable except on Puttah, nor distraint allowed without an order from the Collector.

107 They signify, however, that it is not their intention that the existing provisions as to the rates of assessment should be affected by the enforcement of the Puttah regulations. They desire that boundary disputes may be settled by the Collector and the officers subordinate to him on the verdict of a Punchayet. They conclude the letter with injunctions that the Regulations be expressed in familiar language, divested of technical terms borrowed from the legal forms and phrases of England, and that they be promulgated as effectually as possible.

Having thus surveyed the whole contents of the Honorable Court's Despatch, it remains for the Governor in Council to assign to the proper authorities the measures which, in pursuance of the Honorable Court's orders, they are respectively called upon to execute.

I. A Regulation is required for establishing Village Courts, in conformity to the instructions contained in the 60th, 61st, 62nd, 63rd, 64th, 65th, 66th and 71st paragraphs of the Honorable Court's letter. The Special Commission will prepare the draft of this Regulation and submit it to Government through the prescribed channel of the Sudder Adalet; but it may be necessary for them previously to ascertain the following points, Vizt. 1. Whether the office of Potail universally exists and is vested in one person; 2. Whether the Potail be willing to undertake the duty proposed to be assigned to him; 3. Whether the mauniums, fees and shares of produce, which are supposed to constitute the recompense of his labours, are in all cases still continued.

II. A Regulation is required for establishing District Courts in conformity to the instructions contained in the 67th, 68th, 69th and 70th paragraphs of the Honorable Court's letter. The Commission will in the same manner prepare and submit the draft of this Regulation; but it may be necessary for them previously to ascertain, whether there are individuals possessed of sufficient rank and respectability to preside over the proposed District Courts.

III. The general right of appeal must be limited and the extension of the power of admitting special appeals must be taken into consideration according to the instructions contained in the 27th paragraph of the Honorable Court's letter.

IV. The forms of Civil process must be revised, according to the instructions contained in the 23rd, 24th and 25th paragraphs of the Honorable Court's letter.

V. It must be taken into consideration how far the employment of licensed vakeels is useful and necessary according to the instructions contained in the 26th paragraph of the Honorable Court's letter.

VI. The effect of institution fees and stamp duties must be taken into consideration, with a view to the sentiments expressed in the 30th paragraph of the Honorable Court's letter.

VII. Periodical reports must be furnished according to the instructions contained in the 72nd paragraph of the Honorable Court's letter.

The five articles last mentioned will be referred to the Sudder Adalet in order that they may take the proper steps for giving full effect to the instructions of the Hon'ble Court.

VIII. The Village Police is every where to be restored to its former efficiency. This task falls to the Commission, who in executing it will derive assistance from the proceedings of the Police Committees which sat at this Presidency in the years 1806 and 1813. The points to which the attention of the Commission will require to be directed are the following Vizt. 1. Whether the Taliars are sufficiently numerous, 2. Whether they are sufficiently remunerated, 3. Whether the Potails are fit to be entrusted with the charge of the Police of their villages, and 4. Whether they are willing to undertake it. After investigating those points the Commission will prepare the draft of a Regulation for carrying the proposed arrangement into effect and submit it through the Sudder Adalet.

IX. In consequence of the remarks contained in the 85th and 94th paragraphs of the Honorable Court's letter it will be proper to call upon the Accountant General for a comparative statement of the Police and Sibbendy Corps maintained from 1790 to 1802 and from 1802 to 1814, and of the expense respectively attending them, and to call upon the Commission for a statement of the whole charges of every description including cavelly and other fees, mauniums and shares of produce, formerly incurred on account of Municipal establishments which may from time to time have been resumed under the revenue arrangements of this presidency. It is manifest that such statements are requisite to enable the Honorable Court to judge how far the present charges are comparatively great or small.

X. The Commission are to provide for the employment of Zemindars in the duties of Police to the degree which they may consider expedient under the authority granted in the 87th paragraph of the Honorable Court's letter.

XI. The Commission are to prepare and submit through the Sudder Adalet, the drafts of a Regulation for transferring the superintendence and control of the police to the Collector in conformity to the instructions contained in the 88th, 89th, 90th, 93rd, 94th, 95th, 96th and 97th paragraphs of the Honorable Court's letter.

Colonel Munro has stated in his letter of the 24th of December that all the other alterations in the Judicial system which the Court of Directors have ordered are subordinate to and dependent upon this, but the observation is correct only if it be confined to the Honorable Court's orders regarding the administration of Police. The modifications of the established system of Judicature prescribed by the Honorable Court are clearly not dependent upon the transfer of the Police to the Collector's charge and may be adopted with equal facility and success whether that transfer takes place or not. The same remark may be made with regard to several of the proposed changes in the administration of criminal justice. But the transfer is unquestionably a measure of great importance and in the judgment of the Governor in Council is likely to produce the most beneficial consequences. Colonel Munro has however stated that the transfer is to include not merely the superintendence and control of the Police, which alone are specified in the instructions contained in the 88th paragraph of the Hon'ble Court's letter, but also the whole duties of the Magistrate, and has referred to two paragraphs which contain incidental expressions favouring that opinion. The grounds on which the Governor in Council inclines to judge differently of the Hon'ble Court's intentions, are 1st, that their letter contains no directions for taking away the powers of Magistrate from the Zillah Judge, though that measure would involve a greater radical change of system than the transfer of the superintendence of Police, which is ordered in terms the most pointed in the whole letter; 2ndly, that the nature and extent of the proposed transfer seems to be accurately defined by the remark of the Honorable Court in the 88th paragraph that a proposition to the effect of their order for the transfer was recommended by the Police Committee in 1806, who so far from recommending that the powers of a magistrate should be conferred on the Collector expressly founded their recommendation for transferring to him the superintendence of Police on the security

against abuse afforded by his not possessing Magisterial powers; 3dly, that it is by no means necessary to the efficiency of the Collector's superintendence of Police that he should be vested with the powers of a Magistrate, and 4thly, that the transfer of the whole powers of Magistrate from the Zillah Judge to the Collector involves considerations which ought to be well weighed before the measure be carried into effect.

In the Regulation which is to be prepared, the Commission will therefore confine themselves to the transfer of the superintendence and control of Police to the Collector, but they will submit their opinion as to the expediency of the further transfer which Colonel Munro conceives to have been in the contemplation of the Court of Directors. The Foujdary Adalet and Revenue Board also will state their opinion on the same point, and the Revenue Board in particular, adverting to the other avocations of the Collector, will state whether they consider him capable of undertaking the whole duties of Magistrate as laid down in the Regulations without increased assistance or preparation for his new office.

XII. The Foujdary Adalet are to prepare the draft of a Regulation vesting in Zillah Judges the jurisdiction in Criminal matters, stated in the 102^d paragraph of the Honorable Court's letter to be desirable.

XIII. The Foujdary Adalet and the Commission are respectively to report their opinion as to the expediency of vesting in Collectors certain powers of punishment as proposed in the 102^d paragraph of the Honorable Court's letter.

XIV. The Foujdary Adalet and the Commission are respectively to report their opinion as to the expediency of associating the Collector with the Zillah Judge at Quarterly Sessions as proposed in the 102^d paragraph of the Honorable Court's letter.

XV. The Foujdary Adalet are to report their opinion as to the expediency of vesting in the Circuit Courts the power of executing sentence in certain cases without reference to their authority, as suggested in the 103^d paragraph of the Honorable Court's letter.

XVI. The Foujdary Adalet are to revise the forms of Criminal Process with the view of simplifying them according to the instructions contained in the 102^d paragraph of the Hon'ble Court's letter.

XVII. The Board of Revenue are to prepare and submit through the Sudder Adalet the drafts of Regulations for securing the enforcement of the rules respecting Puttahs by an adequate process underthe superintendence of the Collector, for rendering arrears of rent not receivable except on Puttah, and for prohibiting Zemindars from distraining property for arrears of rent, without an order from the Collector, in conformity to the instructions contained in the 105th, 106th, 107th and 108th paragraphs of the Honorable Court's letter.

XVIII. The Commission are to prepare and submit thro' the Sudder Adalet the draft of a Regulation for requiring boundary disputes to be settled by the Collector on the verdict of a Punchayet, according to the instructions contained in the 109th paragraph of the Honorable Court's letter.

The Sudder Adalet, the Revenue Board and the Commission will observe the instructions contained in the last paragraph of the Honorable Court's letter, with respect to the language in which the regulations prepared by them are to be expressed.

On several of the points referred to the Sudder Adalet it will be necessary that they should take the opinion of the Judges of the Provincial and Zillah Courts, and no time should be lost by them in adopting that preliminary measure and afterwards in framing the reports and regulations which are called for. The Revenue Board also will use all practicable despatch in executing these parts of the general undertaking which are assigned to them. Independently of the attention due to the interest which the subject has excited among the authorities in England, it is desirable that the Commission should be dissolved as soon as it has answered the end of its appointment.

The members of the Commission will probably experience the same difficulties which occurred to the late Police Committee in their endeavours to procure accurate information regarding the establishment of Village officers, the allowances of every description originally allotted for their support, the subsequent appro-

priations of those allowances, their competency and their inclination to undertake the offices respectively to be assigned to them; and on those different points as well as on special duties arising out of the ordinary course of the service which the Government may think fit to impose upon the Commission, they may, from time to time, find it necessary to conduct local investigations on the spot. It will be their care to conduct all such investigations through the local officers, to conform to the established system of internal administration, to avoid every measure which might have a tendency to unsettle the minds of the people with regard to that system and destroy their confidence in its permanency, and to strengthen and uphold the legitimate influence of all the constituted authorities of the Government.

Resolved that copies of these proceedings be furnished respectively for the information and guidance of the Sudder Adalet, the Board of Revenue, and the Commission for revising the system of internal administration.

VIII—Judicial Consultation, dated 13th May 1815.

Read—the following:—

Letter—from the Commission for revising the Internal Administration.
To—the Chief Secretary to Government, Fort St. George.
Dated—the 28th March 1815.

1. We have had the honour to receive a letter from the Secretary to Government in the Judicial Department inclosing an extract from the Minutes in Council bearing date the 1st Instant.

2. We are directed by these minutes to prepare several regulations for modifying the present Judicial system, but we are also directed previously to ascertain the number of the Village officers to be employed under those regulations, their allowances in land, grain, and money & their willingness and competence to undertake the duties assigned to them. As we think that the regulations should be prepared and issued as soon as possible and not be deferred until an accurate knowledge of these matters has been acquired, and that by a contrary course of proceeding no useful end could be gained & the business of the Commission would be protracted far beyond the period limited by the Court of Directors, we beg leave to submit respectfully to the Right Hon'ble the President our reasons for entertaining this opinion.

3. By clause I of the minutes, the Commission are ordered to prepare a regulation for village courts in conformity to the Hon'ble Court's letter and it is then observed, "but it may be necessary for them previously to ascertain the following points."

1st. "Whether the office of Potail" universally exists and is vested in one person;

2d. Whether the Potail be willing to undertake the duty proposed to be assigned to him;

3d. Whether the mauniems, fees and shares of produce, which are supposed to constitute the recompense of his labours are in all cases still continued;

4. We do not think it necessary that the regulation should wait until these points are ascertained.

We know that the office of Potail, or something similar to it, which answers all the objects for which that office can be required, is universal, that villages are in general under a single Potail, that where they are under two or more Potails, one only is the actual manager of the village, that in agraharams, and other villages divided into shares, and held as hereditary property by communities of Bramins, or ryots, where the shares are interchangeable at specific intervals among all the members, and where the rights of all are equal, there is always some one

individual to whom the rest submit, either on account of his abilities or some other cause, who commands the village servants and directs its affairs; that under the permanent system where the internal economy of the village has in some instances been deranged by the removal of the ancient Potail either the actual renter or some person appointed by him acts in his room, that in the great Zemindaries, the village is either managed by a Potail or by some individual nominated to act as such by the Zemindar, and in fine, that in every village, there is some one person, however he may be denominated, who is its efficient head and manager.

5. With regard to the second point, "Whether the Potail be willing to undertake the duty proposed to be assigned to him," it may be remarked that there is nothing in the duty now proposed different from that which has been discharged by the Potail at all times under every Native Government, and even under our own, until the introduction of the Judicial system; that he has always been accustomed, either himself or by means of a Punchayet, to settle the petty suits of his village; that the observance of this custom has always been obligatory, never optional, and that to leave to such a body of men as the Heads of villages, the option of performing or not one of the most important duties of their office, would be productive of very great inconvenience for there can be little doubt but that among the Potails, as among all large bodies of men, a great number will wish to be relieved from as much labour and responsibility as possible, and decline the exercise of every duty wherever it is left optional with themselves. The object of the Court of Directors of having petty village disputes settled on the spot would thus be in a great measure frustrated by the Potails, to whom alone this duty can with propriety be entrusted, refusing to act. It would therefore be more advisable not to consult their opinions, but to issue the regulation, and provided its clauses are few and simple adapted to the understandings of men in their situation in life, they will conform to it without the smallest objection.

6. With regard to the third point, "Whether the mauniums, fees and shares "of produce which are supposed to constitute the recompense of his labours are "in all cases still continued," it does not appear to be necessary that the framing of the regulation should be suspended until this matter shall have been ascertained. We know that whatever those allowances formerly were, they are in general the same now; that upon them, he discharged the duty in question under the Native Government and even under our own until lately and may therefore do so again, and that under the Permanent Settlement or decennial lease in those cases where the Potail has declined to rent his village and receives in consequence only a part of his service lands and fees, the new proprietor or renter who succeeds to his office succeeds also to all the obligations of it, and is bound by the immemorial usage of the country to discharge them; cases of a parallel nature formerly occurred every day in the unsettled districts. Whenever the Potail from sickness, incapacity, minority, or other cause was incapable of acting, and had no near relation qualified to act for him, a stranger was appointed to officiate who received a share only of the Potail's allowances and performed all his duties. It would certainly be desirable to obtain correct statements of the service lands and fees &ca. of the Potails, but when it is considered how few districts possess such statements, in how many the statements which exist are founded upon vague information, and in how many they have never been yet collected from the villages and how much time must elapse before they can be procured with any tolerable degree of accuracy, it would unquestionably be better that the preparation of these documents should follow rather than precede the framing of the proposed regulation.

7. The Commission are directed to prepare a regulation for establishing district courts, but they are told at the same time that, "it may be necessary for them previously to ascertain whether there are individuals possessed of sufficient rank and respectability to preside over the proposed district courts." We have no doubt that such individuals may be found, but their being willing to act or not must depend in a considerable degree on the nature of the duties required and the amount of the fees or salary to be granted for the performance of them. We are therefore of opinion that the regulation should be framed with

as little delay as possible and transmitted together with a statement of the allowances fixed by Government for the district courts to the Zillah Judges, and that these courts shall be established, whenever the Zillah Judges shall report their having found persons properly qualified to preside over them.

Decreed or dismissed	16801
Adjusted by razinamah	9916
Total ...	26717

Many of the present Commissioners are in the class of men required for this office. They might be transferred to their new duties on the enactment of the regulation, and would be the more efficient from previous experience. The causes settled by them the last year exceeded twenty six thousand. To make their situations more independent, to extend their jurisdiction, and to increase their numbers where necessary without delay, is in fact meeting the demands of the country for more speedy justice in matters cognizable by such tribunals.

8. The draft of a regulation for restoring the Village Police is required from the Commission; but they are directed to ascertain four points previous to its preparation.

With respect to the two first of these, namely, "1st Whether the Taliars are sufficiently numerous, 2nd Whether they are sufficiently remunerated," we may remark that much labour has already been bestowed by two Police Committees on this matter, and that by the last all the information that is perhaps attainable in the present state of things has been drawn together. When we reflect that it is now ten years since the first committee began its inquiries, and above three years since the letter of the Chief Secretary calling for the statements upon which the last committee founded their report, was circulated and that the information is still defective, we cannot suppose that any investigation of the Commission would render it more perfect or extract from the local authorities any thing which they have not already furnished to the last committee; for we are satisfied that however desirous these authorities might be to throw additional light upon the subject, it is in most of the settled districts impossible for them to do so; both because the requisite investigations were not undertaken before the permanent settlement and because since that event, they have not had sufficient control over the Curnums to make them with any effect; but this is of the less consequence because we know that the duties of the Village Police have in general always been and in fact still are executed by the present establishment of Taliars, and may therefore still continue to be executed by them, and hence we conceive that the regulation should be framed and issued as soon as possible without waiting for the ascertainment of the number of Talliars and their allowances. This may be made a subject of future inquiry, but cannot as already said, under the present revenue regulations lead to much additional knowledge and could not probably render any change enable us to obtain the requisite information in less than two or three years.

9. The other two points which the Commission are directed to ascertain previous to drafting the regulation, are, "Whether the Potails are fit to be "entrusted with the charge of the police of their villages," and "whether they are "willing to undertake it." With regard to the fitness of the Potails, we are convinced both from our own experience and from every thing that we have been able to learn on the subject, that they are fitter than any other set of men to be entrusted with the Village Police. The influence which they derive from their situation, as Head of the village, qualifies them in a higher degree than any other persons for the charge of the Police; and as they have always been entrusted with it, they join to influence, the advantage of experience. No other men could be substituted for them without incurring a heavy expense, nor would they be found equally useful with all their expense. Even under our own judicial system, the impossibility of dispensing with the service of the Potails seems to have been felt, for the Village Police has in general been virtually managed by them, though nominally by the Darogah establishment. There are undoubtedly many Potails very little qualified for the charge of the Police, but this is a defect unavoidable in every institution similarly extensive, and where incapacity is notorious it may be remedied in the usual way by the local authority appointing a substitute. No

opinion of ours as to the competency of Potails can be of any use, as the question has already been decided by the Hon'ble Court of Directors, who have pronounced the Potails to be the fittest instruments for the management of the Village Police and have ordered them to be appointed to it.

Paras. 66-67, Judl. letter from the Court of Directors, 29th April 1814.

10. With respect to the last point to be ascertained, Vizt., "Whether the "Potails are willing to undertake the charge of the Police." This has been answered in paragraph 4, in giving our sentiments of the employment of the Potails as village Commissioners. It may further be remarked that the charge of the Police being a condition inseparably attached to their office, it could answer no good purpose to give them room to suppose that it might be declined under any circumstances, for this would lead them to believe that some great change was intended, that the discharge of their Police duty was to be optional, or that if they agreed to hold it, they were to receive some additional allowance.

11. The Commission will furnish the statement directed by clause IX of the Minute of the whole charges of every description formerly incurred on account of municipal establishments which may have been resumed under the Revenue arrangements of this Presidency. But in order to enable them to prepare it, it will be necessary that the local authorities be immediately directed to furnish whatever documents they may call for, and to assemble the Potails, Curnams or other native village or district servants, whenever they may require it for the sake of receiving additional information on the spot.

12. The Commission as directed in clauses X and XI of the President in Council's Minute, will provide for the employment of Zemindars in the Police, and prepare and submit through the Sudder Adalet the draft of a regulation for transferring the superintendence and control of the Police to the Collector.

In this regulation they will confine themselves to the transfer of the Police, but as they are required to "submit their opinion as to the expediency of the "further transfer which Colonel Munro conceives to have been in the contemplation "of the Court of Directors," they deem it advisable that that opinion should be expressed as early as possible, and will therefore give it here.

13. We think it expedient that the office of Magistrate should be entirely transferred to the Collector. Our reasons for this opinion are :—that there seems to be no other way of preventing the collision of the European local authorities, for it is extremely difficult if not impossible to draw such a line of separation between the powers of the Magistrate and of the Superintendent of Police as shall produce this effect; that while this collision subsists the respectability of both will sink in the estimation of the Natives and neither be efficient; that the Village officers will still be equally at the call of either and be distracted in their duties as observed by the Court of Directors; that the system of the village municipalities in which every member has Revenue duties to perform is calculated to be directed by the single authority of the Collector; that if the full transfer is not made the complaints, prosecutions for petty offences, such as abusive language, calumny, inconsiderable assaults, and affrays which by Reg^{n}. VI, sect. VIII, are cognizable only by the Magistrate, must still be carried to the Zillah Court and still prove a source of great vexation to the inhabitants by their being compelled to go so far from their homes; that if the full transfer were made, all these matters would be cognizable by the Collector as Magistrate, and might be settled on the spot, either by himself or his Amildars vested with authority to hear complaints of this nature and to impose a trifling fine, but not to inflict corporal punishment; that the offices of Magistrate and Judge being united in one person oblige the Judge to bestow so great a portion of his time on his magisterial duties that he has too little left for the hearing of Civil suits, and hence the decisions are so slow that many persons are discouraged from bringing forward their causes from perceiving the impossibility of their being adjusted within any reasonable period; that by making the transfer and limiting the jurisdiction of the Zillah Judge to Civil suits, justice might be so much expedited as to enable the courts to answer the demands of the country to which they are at present certainly very unequal; and a considerable saving

Para. 90.

might also be made in the magisterial establishment, and lastly that the complete transfer is enjoined by the Court of Directors and forms a part of their instructions in their Judicial letter of the 29th April last.

The chief objects of the Court throughout that Despatch evidently are, that the collision of authorities should be prevented, the administration of justice be facilitated, and the expense of the Judicial establishment be diminished; but none of these can be accomplished, while the Zillah Judge retains the office of Magistrate, for the clashing of authorities must continue as before by the village and district servants still remaining subject to the orders both of the Judge and the Collector, the administration of justice must still be impeded by a great portion of the Judge's time being occupied in Magisterial duties; and no one court can be reduced in order to effect a saving; while the whole of the courts, by so much of the time of the Judges being so employed, are inadequate to the discharge of the business before them.

The Court after expressing their intentions respecting the restoration of the Village Police, never once speak of the Zillah Judge as Magistrate; wherever the term is used, it is constantly applied to the Collector alone.

They call the serious attention of Government to the necessity of "re-establish-"ing the Village Police agreeably to the usage of the country, "and of placing it under the orders and control of the "*Magistrate*."

Para. 84.

They notice the services which will be rendered to the Magistrates by this "Police agency," and that no doubt may remain who the *Magistrate* is, under whom this Police Agency is to be employed; they state that the superintendence of the Police is to be transferred to the Collectors; and in a subsequent paragraph, that to the Collector they "propose to transfer the duties of Magis-"trate." But nothing can be more conclusive as to the intention of the Court to transfer the whole power of the Magistrate to the Collector, than the paragraph in which they suggest that the Zillah Judges should be authorized to hold quarterly sessions for the trial of certain Criminal offences. Their words are, "to hear & determine all cases of public offence not of a capital nature, and now "cognizable by the Courts of Circuit only, which might be *brought before them by* "*the Collector in his Magisterial capacity*." If it had been the design of the Court that the Zillah Judge should retain his Magisterial authority, why distinctly specify that the offenders were to be brought before him by the Collector in his Magisterial capacity, since he might as Magistrate bring them forward himself. But it surely will not be admitted that the Court could ever have meant, that the Zillah Judge, as Magistrate, should again try offenders committed for trial by himself.

Para. 85.

Paras. 88, 89, 90.

Para. 95.

Para. 102.

The Court propose to give Collectors "as the Magistrates of Zillahs" authority to fine to the amount of 100 Rs. and to imprison for 3 months, authority beyond that which the Zillah Judges under secs. VIII and IX Reg^{n}. VI of 1802 now possess. It never could have been in the contemplation of the Court that the office of Magistrate was to remain with the Zillah Judge, for in this case it cannot be supposed that they would have conferred on the Collector as Superintendent of the Police, powers superior to those of the Zillah Judge as Magistrate; that the Court looked to the Collector only as Magistrate is further confirmed by their investing him with the authority of enforcing the Puttah Regulation and taking cognizance of all branches of it, and the sole power of distraining for rent and of determining boundary disputes. These are all matters that obviously belong to the jurisdiction not of the mere Police officer, but of the Magistrate. The additional powers which are here proposed to be given to the Collector as well as those already quoted from paragraph 102 of the Court's letter, shew plainly that it was their intention not only that the Collector should be Magistrate, but Magistrate with augmented authority.

Para. 102.

Paras. 106-107, 109.

14. For all the reasons which have been adduced, we are fully convinced that it is expedient that the office of Magistrate should be completely transferred to the

Collector, that this transfer is conformable to the instructions of the Court of Directors, and that it would, as they observe, "very much conduce to the more "prompt and convenient administration of Criminal justice."

15. With regard to the powers of punishment proposed to be vested in Collectors by the 102[d] paragraph of the Honorable Court's letter, we are of opinion that they ought to be given to him whether he is constituted Magistrate, or merely Superintendent of Police, for though as Head of the Police, he can very rarely have occasion to exercise them to their full extent, it may yet sometimes be necessary, particularly in cases of disputed boundaries.

16. The Commission conceive that the associating the Collector with the Zillah Judge at quarterly sessions as proposed in the 102[d] para. of the Hon'ble Court's letter, would be attended with too many inconveniences to render it a measure fit for adoption. They think that the Judge and the Collector ought to be kept apart as much as possible because the presence of the Collector could be of no use in a court where he would necessarily be subordinate to the Judge, and where the differences of opinion which too often arise out of the nature of their respective duties would most probably be increased, and because the Collector ought at all times to be at liberty to go to any part of his division, where his presence is most required, and because he ought not to sit in judgment on offenders whom he has already himself committed as Magistrate, or Superintendent of the Police.

17. The Commission entertain some doubt as to the expediency of the establishment of the Zillah quarterly sessions at all, for they believe that they will impede the Civil, more than they will advance the Criminal business of the courts, and they apprehend that the chief motive of the Court of Directors in proposing their institution was the idea that the Circuit Judges were unable to get through their business within the prescribed period, an objection which does not now appear to exist, for since the enactment of Regulation I of 1811, for providing a quarterly Jail delivery in the Zillahs of Masulipatam, Chittoor, Trichinopoly and North Malabar, the circuits have always been completed by the Circuit Judges within six months, the time limited.

18. The Commission will submit through the Sudder Adalet the draft of a regulation for the settlement of boundary disputes by the Collector.

19. The minds of the Commission are so deeply impressed with the difficulties which occurred to the late Police Committee in the prosecution of their inquiries, that they can have no hope of being able to add anything to the information already collected by them. If any thing can be added it can be done only by investigations upon the spot. These investigations are always most easily conducted through the local officers, and the Commission will therefore follow that course, as far as it can be done with effect, but when it is found that the information wanted cannot be got from the local officers, the Commission must, like the Collectors or Magistrates in similar circumstances, have recourse to such of the inhabitants as are most likely to be able to furnish it.

20. It is essential to the success of every investigation of this sort that the Commission should at all times have a free intercourse with the inhabitants, both in their communications with them and on all other occasions; the Commission need hardly observe that they will "conform to the established system of internal "administration," and that they will endeavour "to strengthen and uphold the "legitimate influence of all the constituted authorities of the Government." But they at the same time respectfully suggest that by far the shortest and most efficacious way of preventing the minds of the people from being unsettled with regard to the permanency of the present system would be to publish, with as little delay as possible, all the regulations required under the proposed changes which most immediately affect any considerable body of the people, and to circulate them, so as to reach the districts as soon as the Commission. This by shewing at once to the people the whole extent of the proposed change would satisfy them that no material innovation was meditated in the existing system and would remove every doubt regarding its permanency, and it would also enable the

Commission to convince them that the modifications introduced were not intended to weaken or destroy, but to strengthen and improve, it by bringing its advantages nearer to them.

21. The Regulations to which the Commission allude as those which will most directly concern the interests of the people are the following six, Viz[t]:—

(1) A Regulation for the establishment of Village Courts.

(2) For the establishment of District Courts.

(3) For placing the Village Police under the Heads of villages.

(4) For transferring the Police of Zillahs to the Collectors.

(5) For placing the control of distraint, and the enforcement of the Puttah Regulations in the hands of the Collector.

(6) For the settlement of boundary disputes by the Collector.

22. The Commission have already thoroughly urged the necessity of issuing the three first of those Regulations without waiting for any further enquiry regarding the number and allowances of the Potails and Talliars, and their competency or willingness to discharge the duties assigned to them. It is evident from the difficulties which the late Police Committee experienced in procuring information on those matters, that were the Regulations to be kept back until they should have been accurately ascertained, the time allotted for the duration of the Commission would have expired long before the Regulations could be published. The Commission therefore feel it their duty to recommend that the Regulations be issued without delay, and that the information required on such points as the Government after this explanation may still deem indispensable, be made the subject of future investigation.

23. The Commission have in the course of this letter stated it to be their firm belief that it is expedient that the whole duties of the Magistrate should be transferred to the Collector, and that the powers of punishment proposed to be vested in Collectors by the 102[d] paragraph of the Hon'ble Court's letter should be granted, whether they act as Magistrates or as Superintendents of Police only. They have given their reasons for thinking it inadvisable that the Collector should be associated with the Judge at quarterly sessions and they have ventured to express a doubt of the expediency of such sessions being held by the Zillah Judge.

They have delivered their opinions freely, but they trust respectfully, and they submit them with deference to the consideration of Government.

President's Minute thereon, dated, Fort St. George, the 13th May 1815.

1. Since I had the honour of taking my seat as President at this Board, its attention has been constantly directed to the letter of the 29th April 1814 in the Judicial Department, from the Hon'ble Court of Directors, as also to the subsequent letter upon the same subject, of the 4th May 1814.

2. Those two letters have been taken into our most serious consideration, and I am happy to observe with the strongest desire on our part, to forward the execution of the orders of the Hon'ble Court in the light in which they have appeared to us after a reference to the import of each particular paragraph, as well as to the general tenor of the whole of the instruction.

3. In so voluminous a Despatch, relating to matters equally extensive and complex, it may be naturally expected that a degree of ambiguity of expression may sometimes occur ; and, indeed, where so much reasoning is mixed with the orders transmitted, it must, I think, be inferred that in the eventual execution of those orders, great latitude of discretion is left to us to whom they are addressed.

4. Upon the general spirit of the regulations to be established, in consequence of the orders of the Court of Directors, there appears to me to exist little difference of opinion at this Board, and certainly, in no degree sufficient to prevent us from carrying into immediate effect some of the most prominent features of the system about to be established ; altho', according to our unanimous opinion, there still remain some points upon which the instructions of the Court of Directors

do not appear to us to be so precise as to preclude the free exercise of our own judgment, either in regard to their interpretation, or to their final accomplishment.

5. I need here only recapitulate briefly the progressive steps we have already taken towards the furtherance of the revision of the judicial system, and the establishment of such new regulations, under our sanction, as we conceive to be in the contemplation of the Court of Directors. Colonel Tho[s]. Munro, who was particularly designated by the Court of Directors, on account of his great experience and acknowledged abilities, as a proper person to preside at any Commission we might think fit to institute, was early appointed First Commissioner, and, at his subsequent recommendation, Mr. Stratton has been joined to the Commission, as Second Commissioner.

6. Upon further investigation it occurred to myself, as also to Col. Munro, that no step could contribute more effectually towards hastening the progress of the labours of the Commission than the appointment of Mr. Stratton, the Second Commissioner, to be one of the Judges of the Sudder Adalet, with which Court so great a proportion of the business to be transacted by the Commissioners is intimately connected. The proper measures were also adopted for putting the Commissioners in direct correspondence and communication with all the local authorities to which it may become their duty to apply for information or assistance. I need not mention the other steps which have been taken, and which are to be authentically traced in the documents which, by order of the Board, have been printed, and circulated among those whom they concern. From these it will be collected that the Commissioners have been required to draw up certain regulations, as pointed out by this Government in conformity to the directions contained in the instructions from the Hon'ble Court of Directors; and I have the satisfaction to add, that the Commissioners are now assiduously occupied in framing such regulations.

7. I did not apprehend that any obstacle was likely to intervene, to prevent the promulgation of the regulations, as soon as they could be submitted to this Government. With regret I have now, however, to observe, that a very serious delay is likely to ensue from an unforeseen circumstance. In a letter from the Supreme Government to Lord William Bentinck, Governor in Council at Fort St. George, of the 19th July 1804 is the annexed* paragraph, by which the Governor in Council at Fort St. George is required, in future, not finally to pass any Regulation until it shall have received the approbation of the Supreme Government. I confess it struck me at first that this prohibition could scarcely be meant to apply to the promulgation of regulations drawn up in conformity to orders issued by the Court of Directors to the Government at Fort St. George but as some time will elapse before these regulations can be submitted by the Commissioners, I propose—

(1) To send to the Supreme Government copies of the Court's letter and of our resolutions thereon;

(2) To state to them that a doubt has arisen in consequence of the letter of the 19th July 1804 from the Supreme Government to the Governor in Council at Fort St. George, whether that letter is meant to apply only to such regulations as may have been framed by the Governor in Council at Fort St. George independent of any specific orders from the Court of Directors, or whether it is also to be understood to embrace the promulgation of such regulations as have been framed here in consequence of specific orders issued by the Directors to the Government of Fort St. George.

(3) To point out the material delay which must be occasioned in the present case, by previous reference to the Supreme Government, and the consequent increase of expense to the Company, by the prolongation of the Commission.

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* 2. "The Governor-General in Council hereby approves the above mentioned Regulation: His Excellency at the same time deems it to be necessary to request the attention of your Lordship in Council to the orders contained in the 152[d] paragraph of the letter from the Governor-General in Council dated the 31st December 1789, directing that all Regulations proposed to be adopted for the internal Government of the Territories immediately subject to the Presidency of Fort St. George, be transmitted to the Governor-General in Council for his sanction previous to their final adoption and promulgation. In conformity to those orders His Excellency in Council requests that your Lordship in Council will not in future finally pass any Regulation until it shall have received the approbation of the Supreme Government."

(4) Whether, under these considerations, the Supreme Government might not think it expedient to waive the necessity of referring the regulations above alluded to, to their previous sanction, even should it be deemed essential in other instances to support the general instruction laid down in their letter of the 19th July 1804.

Letter—from the Chief Secretary to the Government of Madras.
To—the Commissioners for the Revision of the Judicial system.
Dated—13th May 1815.

1. In acknowledging the receipt of your letter of the 28th March last, I am directed by the Right Hon'ble the Governor in Council to state that, as the regulations to be prepared by you must undergo the revision of the Sudder Adalet and of the Government, and as it appears to be prescribed by the Supreme Government that all regulations are to be sanctioned by their authority previous to enactment, it is the wish of the Governor in Council that the regulations should be drawn up and submitted through the regular channel with as little delay as possible.

2. The period which, it is apprehended, must elapse pending the consideration of the regulations by the departments concerned, will, it is presumed, afford you sufficient time to make material progress in collecting those points of information recommended to your research in articles No. 1 and No. 8 in the resolutions of Government dated 1st March 1815. The Right Hon'ble the Governor in Council continues to be of opinion that it would be advisable a report upon those points should precede the promulgation of the regulations.

3. You have been informed of the view taken by Government of the expressions used by the Hon'ble the Court of Directors in regard to the transfer of the magisterial duties to the Collector, as well as those of the Police, and the Governor in Council does not in your letter now before him, see any new grounds for making an alteration in the mode of proceeding already adopted for the purpose of carrying into effect the orders of the Hon'ble Court in the sense they are understood by the Governor in Council.

4. To what degree Magisterial powers may ultimately be transferred from the Judge to the Collector, or be conferred upon him in common with the Judge, will be a matter for future decision. In the mean time the Right Hon'ble the Governor in Council is anxious that no time should be lost in transferring to the Collector the exercise of the whole of the duties of the Police.

IX.—Judicial Consultation, dated 19th August 1815.

Read—the following :—

Letter—from the Commission for the Revision of the Judicial system.
To—the Chief Secretary to the Government of Fort St. George.
Dated—Madras, 15th July 1815.

1. We have the honour to acknowledge the receipt of Mr. Secretary Hill's letter of the 13th of May and to inform you that we have in consequence prepared and forwarded to the Sudder and Foujdary Adalets drafts of seven regulations, copies of which we herewith enclose in order that they may be laid before the Right Hon'ble the Governor in Council. They are entitled as follows :—

(I) A Regulation for authorizing Heads of villages, as Village Moonsiffs, to hear and decide Civil suits for sums of money and for real and personal property to a limited amount.

Regulation.

(II) A Regulation for authorizing Village Moonsiffs to try by Punchayet within their respective jurisdictions, Civil suits for real and personal property in certain cases to a limited amount and in other cases without limitation.

(III) A Regulation for reducing into one Regulation, the rules which have been passed regarding the Office of Native Commissioners, for modifying and

extending their respective powers in the trial and decision of Civil suits and for authorizing them under the designation of District Moonsiffs to discharge certain additional duties.

(IV) A Regulation for authorizing District Moonsiffs to try by Punchayet within their respective jurisdictions Civil suits for real and personal property in certain cases to a limited amount and in other cases without limitation.

(V) A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zillah Courts to be Sudder Ameens or Head referees for the trial of referred causes to the amount or value of three hundred Arcot rupees.

(VI) A Regulation for authorizing Collectors to refer for trial and decision by Punchayet disputes respecting the boundaries of villages.

(VII) A Regulation for transferring the superintendence of police throughout the territories subject to the Government of Fort St. George from the Magistrates to the Collectors of Zillahs and for the establishment of a general system of Police.

2. By giving a short summary of each Regulation, accompanied with such remarks as appear to be necessary, we shall, we trust, be able to explain in a satisfactory manner to the Governor in Council, the grounds on which we have sometimes ventured to deviate from the letter of the instructions of the Hon'ble the Court of Directors contained in their Judicial Despatch of the 29th April 1814, in some cases by narrowing the powers proposed to be granted to native authority and in others by an alteration of some of the particular provisions under which those powers are directed to be exercised.

3. By Regulation I Heads of villages as Village Moonsiffs or Judges have original jurisdiction in suits for real or personal property not exceeding ten rupees, from which an appeal lies to the District Moonsiff or Judge whose decision is final; as arbitrator the Village Moonsiff has extended jurisdiction to suits for real or personal property not exceeding one hundred rupees, when both parties enter into bonds to abide by his award.

Section VII. XXX XXXI XLII

4. The Hon'ble Court of Directors do not specify the extent of original jurisdiction to be given to the Village Moonsiff. We have fixed it at ten rupees, because it appears to have been the intention of the Court that the sum should be small.

Letter from Court of Directors, 29th April 1814.

Para. 62.

5. The Court propose that the Village Moonsiff should act as referee in determining all such causes as may be referred to him by the Zillah Court. But we have thought it advisable that he should be exempted from the duty of referee, because his duties as Village Moonsiff, as Head of the Police, and as Revenue Officer, are abundantly sufficient to occupy his time, and because the District Moonsiff being empowered to officiate as referee makes it the less necessary that he should act in the capacity.

Para. 60.

6. The Court of Directors recommend that the Village Moonsiff as arbitrator in all suits brought before him by voluntary consent should decide without limitation as to amount and without appeal, except in cases of alleged corruption or partiality satisfactorily proved. But we have limited his jurisdiction as arbitrator to cases not exceeding one hundred rupees, because we are persuaded that it will still be sufficiently extensive to answer every useful purpose, more particularly as in the same village, the parties may have recourse to a Punchayet whose jurisdiction with regard to amount is unlimited. The Court of Directors propose that where the Village Moonsiff decides suits of his own authority, the execution of his decrees on an appeal to the Zillah Judge should be stayed, only under special circumstances and not at all in cases not exceeding a certain amount. But we have admitted no appeal from the Village Moonsiff deciding of his own authority, beyond the District Moonsiff, because we conceive that one appeal is quite enough in trifling suits which are limited to ten rupees.

Para. 63.

7. By Regulation II, the Village Moonsiff is empowered to send to the Village Punchayet for trial and decision, suits for real or personal property not exceeding one hundred rupees in amount, at the requisition of either party even though the other may not be willing. The Village Moonsiff is further empowered to send to the Village Punchayet for trial and decision, suits for real or personal property to an unlimited amount, where both parties enter into bonds to abide by the award without appeal. In the case where only one of the parties requires the trial by Punchayet, if the amount decreed or disallowed exceed ten rupees, an appeal lies to the District Punchayet through the District Moonsiff, and the decision of the District Punchayet is in all such cases final.

Section IV. V XXIV XXV

8. In this Regulation we have adhered to the custom of the country in the mode of assembling and forming the Punchayet under the Native Government, where the trial by Punchayet is the most common way of deciding suits; there are two kinds of Punchayet, one is where each of the parties nominates two members and the Head of the village one; but this power of nomination is often productive of great inconvenience as the members chosen by the parties are apt to become parties themselves, to waste much time in useless discussion and to part without coming to a decision. The other is where the members are selected in the first instance by the Head of the village, the parties being allowed to challenge such as they think have any interest in the decision of the suit, and to have them changed when their objections are reasonable. The number of persons on the Punchayet is not fixed, but is usually from five to fifteen, though sometimes more, particularly where the subject of litigation is a share of the land of a village held rent free by Bramins, the whole of the proprietors not infrequently sit as a Punchayet. In all ordinary cases however where the parties are of different castes or professions, the Punchayet is also composed of men of different castes in order to guard against partiality and when the officers of Government do not interfere, the decisions of the Punchayet thus constituted are generally just. As we are satisfied that the Punchayet as framed by the natives will under proper control answer all the purposes for which it is intended, we have adopted it into the Regulation with such modifications only as seemed requisite to render it more efficient. We have limited the number of members to eleven, as a greater number served commonly no other end than to create confusion and delay. But though the members cannot exceed eleven, they may be any odd number from five to eleven according to the population of the village, the importance of the matter at issue and other circumstances. It was thought expedient to leave this latitude, because we saw no advantage to be derived from restricting the Punchayet to the same number in every case, but on the contrary were convinced that much hindrance to the distribution of justice would result from such a measure, because had the number been fixed either at nine or eleven, a great proportion of the smaller villages would have been deprived of the benefit of the Punchayet from the difficulty of finding in them a sufficient number of persons qualified to sit as members, and had the number been fixed so low as five or seven, it would often have been found inadequate in the decision of suits of a great amount or of a complicated nature. The Regulation follows the custom of the country in prescribing that the Punchayet shall be composed partly of persons of the same caste as the parties respectively, and partly of persons of a caste different from that of both. This precaution is indispensably necessary in order to prevent the proceedings of the Punchayet from being influenced by the spirit of caste. The Regulation authorizes the Village Moonsiff to fine any person who does not attend when summoned to sit on a Punchayet to the extent of five rupees; this also is conformable to the practice of the natives; for among them it is no more optional to decline sitting on a Punchayet than it is in England to decline sitting on a jury. By the ancient usage of India every man with the exception of a few individuals belonging to the religious orders is compellable to act on a Punchayet. It is regarded as a duty which he owes to the community and which he ought to discharge without compensation of any kind.

IX VIII

9. The Court of Directors have not specified what the extent of the jurisdiction of the Punchayet should be when it tries suits on the application of one of the parties only. The Regulation limits it to one hundred rupees but it makes the decision final only in cases not exceeding ten rupees, because the Court recommend that the amount should be very small and because we deem it right that in so narrow a sphere as a village where prejudice may occasionally operate on the Punchayet, and where only one of the parties seeks its decision, there should be an appeal to the District Punchayet. In cases where both parties voluntarily engage to abide by the award of the Punchayet, the Regulation, in conformity with the orders of the Court of Directors, makes it final without limitation as to amount except where corruption may be proved before the Zillah Court. We concur in the opinion of the Hon'ble Court that the Village Punchayet should be empowered to try suits finally without limitation as to amount, because though in small villages it may often be difficult to find men qualified to serve on a Punchayet in the trial of important causes, in large Villages and towns men will frequently be found as competent as any District Punchayet to try suits of whatever amount. Because were the suits to be tried by the Village Punchayet to be limited as to amount, such men would be rendered less useful by being confined to the trial of limited suits, the great object of relieving the dispensation of justice from every unnecessary charge would be in some degree defeated by requiring all suits above the limitation to be tried by the District Punchayet, and the custom of the country which makes no distinction between Village and District Punchayets would be departed from. It may likewise be observed that the trial by the Village Punchayet when the amount of the suit exceeds one hundred rupees is optional with the parties, that they are the best judges of the competency of the Punchayet to decide the matter in dispute, that if they have any doubt of it they will not apply to it, and that if they have none it would be a hardship to make them carry their causes before a District Punchayet and incur a considerable expense when it might be determined in their own village without any charge whatever. The Village Moonsif assembles the Punchayet, but has no control over their proceedings. He does not even know what their decision is until it is delivered.

Para. 63—Court of Directors' letter, 29th April 1814.

Sect. XXVI.

10. By Regulation III, the District Moonsiffs have original and referee jurisdiction in suits for real or personal property not exceeding in amount two hundred rupees from which an appeal lies to the Zillah Court if the amount decreed or disallowed exceed ten rupees. The District Moonsiff as arbitrator has by this Regulation the same extent of jurisdiction where both parties enter into bonds to abide by his award.

Section XI.

XLVI LV

LIX

11. This Regulation has been framed chiefly from the Bengal Regulation XXIII of 1814 and the regulations of this Presidency for Native Commissioners, by making such alterations & additions as seemed necessary in order to make it correspond with the Village Moonsiffs Regulation and with the views of the Court of Directors. We have conformed to their recommendation in extending the jurisdiction of District Moonsiffs to all suits for real and personal property not exceeding two hundred rupees. We think that the distribution of justice would have been much facilitated by extending it to three hundred rupees. The Court propose that the jurisdiction of the District Moonsiffs should be final to the extent of five pagodas, but we have carried it only to ten rupees, because it appears advisable that the latitude of appeal should be greater on the first institution of the proposed system than may be found expedient after it has been some time established; after the effect of it has been seen, it will probably be convenient for the inhabitants to increase the jurisdiction of the District Moonsiff to three hundred rupees and to make his decision final to the extent of twenty or thirty rupees.

Para. 70.

12. We think that men well qualified for these situations might be found among the servants of the Zillah Courts and that the promotion of such of them as were deserving would also be a judicious mode of rewarding and of encouraging

others to a zealous discharge of their duty. We would therefore recommend that the Zillah Judges be instructed to select such of the servants of the court as they deem best qualified for the office of District Moonsiff and that those servants on being confirmed by the Provincial courts, be entitled to receive their present pay which in no case exceeds twenty pagodas, in addition to the fees of Moonsiff. But the Zillah Judges should however be left at liberty to pass over any one or the whole of the court servants whenever they think they can find other persons better calculated for the office of District Moonsiff.

13. The Court of Directors do not limit the numbers of District Moonsiffs, but observe that there may be three, four or five in a Zillah, and that they shall not object to a fixed salary being allowed to them. We are of opinion that the territorial jurisdiction of the District Moonsiff should be regulated not only by extent of territory but by revenue and population and that it ought in general to include a tract of country yielding a revenue from a lakh, to a lakh and fifty thousand pagodas. This would give three or four Moonsiffs to the smaller and five or six to the larger Zillahs; their receipts we think should not be less than from thirty to fifty pagodas monthly, but they should be unequal, in order to leave room for employing the most deserving in the district where the receipts are highest. It would perhaps be best not to fix any pay, when such men are nominated as are not now servants of the court, until a year after their appointment, when the report of fees and commission received within that period would shew what was required to make up the deficiency.

14. By Regulation IV, the District Moonsiffs are empowered to send to a District Punchayet for trial and decision suits for real or personal property not exceeding in amount two hundred rupees at the request of either party even though the other may not be willing. They are likewise empowered to send to a District Punchayet for trial and decision suits for real or personal property to an unlimited amount where both parties enter into a bond to abide by the award without appeal. In the case where only one of the parties requires the trial by Punchayet, if the amount decreed or disallowed exceed one hundred rupees, an appeal lies to the Zillah Judge.

Section IV.

V

XXI

15. This Regulation is founded exactly on the same principle of employing the better informed of the inhabitants generally in the administration of justice as Regulation II, and it differs from it only in so far as was necessary for the purpose of rendering it applicable to the district instead of the village.

16. The fine for refusing to act on District Punchayets is extended to ten rupees, because though five rupees will ensure attendance at a Village Punchayet it would often be insufficient to make a man quit his home to attend a Punchayet at a distance. In cases where the District Punchayet tries suits at the request of only one of the litigant parties, its jurisdiction is limited to two hundred rupees in compliance with the instructions of the Court of Directors; but we would recommend that it be immediately extended to three hundred rupees. We have made its decisions final on all appeals from the Village Punchayet, because as the amount cannot exceed one hundred rupees, we conceive that two bodies of men like the Village and District Punchayet are not likely to be materially wrong either from ignorance or corruption; in original suits where the trial is made on the demand of only one of the parties, we have made the decision of the District Punchayet final to the extent of one hundred rupees, though that of the Village Punchayet is final only to ten rupees. The reasons for admitting this distinction are that the District Punchayet, being drawn from a greater population and a larger tract of country, will, it is supposed, be in general composed of men both better educated and less liable to be influenced by local or party motive, than those of which the Village Punchayet is formed.

VII

XXI

17. By Regulation V, the Hindoo Law Officers of the Provincial Courts and the Hindoo and Mahomedan Law Officers of the Zillah Courts are constituted Sudder Ameens *ex officio* with referee

Sections II and III.

jurisdiction in suits for real or personal property not exceeding three hundred

V, X, XI rupees, and appellate jurisdiction to the same extent in appeals from decisions of District Moonsiffs and District Punchayets. In referee cases, appeals lie from their decision to the Zillah Judge; but in their appellate jurisdiction their decisions are final.

18. As the establishment of District Punchayets and the extension of the jurisdiction of the District Moonsiffs will occasion an increase of appeals to the Zillah Court, we thought it proper to extend the Sudder Ameen's referee jurisdiction from one hundred to three hundred rupees, leaving his jurisdiction still two hundred rupees less than that of the Zillah Register. The Sudder Ameens will also be able to try appeals to the amount of three hundred rupees if the jurisdiction of the District Punchayet, where only one party seeks the trial, is extended to that amount as recommended in paragraph 16.

19. We have made the decisions of the Sudder Ameens final in appeals, because the amount is limited to two and eventually to three hundred rupees, because from their respectable offices and high salaries they are not likely in such suits to give a corrupt decision, nor from their experience and knowledge to give an erroneous one. If they confirm the decision of the Punchayet, it is not at all probable that both should be wrong and if they reverse it, it is not likely that they should do so without cause under the eye of the Judge. The Hindoo Law officers of the Provincial Courts are also made Sudder Ameens because from their situations they are respectable, they are also well qualified, well paid and have more leisure than even those of the Zillah Courts and may employ a part of it to great advantage in the administration of justice.

20. By Regulation VI the Collectors are empowered to refer suits respecting

Sections, III, V. disputed village boundaries whatever the annual produce of the lands in dispute may be for trial and decision to a Village Punchayet when both parties may be willing, but when either party may be unwilling, the Collector is empowered to refer the suit on the application of either through the District Moonsiff for trial and decision to a District Punchayet. The Collector has the power of annulling the decision of the Punchayet if it be proved by two credible witnesses that the Punchayet has been guilty of gross partiality or corruption.

21. By the instructions of the Hon'ble Court of Directors in their letter of the

Para. 109. 29th April 1814, the cases of disputed boundaries described in Regulation XXXII, 1802, are directed to be decided by the Collector "on the verdict of a Punchayet." But neither the letter of the Hon'ble Court, nor the Regulation to which it refers specifies whether the term "disputed boundaries" is meant to comprehend boundaries of fields and estates, or only those of villages. Disputes about the boundaries of fields or estates between individuals seldom give rise to any serious affray; the owners alone take any concern about them; the decision of them is not rendered intricate by those combinations of witnesses and falsifications of accounts which take place when the boundary of a community is contested. We have therefore left all litigations respecting private boundaries to be tried in the usual manner like suits for any other kind of private property and have restricted this regulation to village boundaries which from the violent party spirit which a contest for them excites and the falsehoods and acts by which the opposite claims are maintained can only be adjusted by a Punchayet on the spot.

The Collector in these cases assembles the Punchayet through the Village or District Moonsiff, but he cannot interfere with its proceedings and has no power beyond that of confirming or annulling its decision.

22. Having explained the principles on which each of the regulations from No. I to VI inclusive have been framed, we shall now add a few remarks on matters not confined to any one in particular, but in general extending to the whole of them.

23. No replies and rejoinders are admitted in the Village and District Courts,

Para. 24. because the less the proceedings of the Native courts are clogged with forms taken from our courts at home, the better

will they be understood and the better suited to the original institutions of the country. We concur with the Court of Directors in doubting the utility of any pleadings beyond the plaint and answer. We are satisfied that in the Native courts they are extremely detrimental. By confining the pleadings to the plaint and answer, the matter at issue is kept in view; the parties aware that no further pleadings will be admitted will use the greater caution in preparing them so as to embrace all they should contain. If further pleadings be admitted, however much the parties may be restricted by regulations as to what the replies and rejoinders shall contain, they will introduce into them matter unconnected with the original ground of action or defence and protract and embarrass the decision of the cause. The same reasons have operated with us in a still higher degree against the admission of all supplemental pleadings.

24. We are not prepared to admit that licensed vakeels or pleaders by profession can wholly be dispensed with in the Zillah Courts, but we are of opinion that they should be excluded from all courts of native jurisdiction. For which reason we have provided that no vakeel shall be acknowledged in any Moonsiff's Court or before any Punchayet unless he be a relative, servant, or dependant of the party he represents. The Sudder Amins being attached to the Zillah and Provincial Courts, the pleadings before them will be carried to the same extent as in those Courts by the authorized vakeels of the Zillah Courts under the existing regulations.

25. By the practice of the Civil and Criminal courts, oaths are so generally required on trivial occasions that they are no longer held in any estimation. We are satisfied that the taking of false oaths is very common in the Zillah Courts, for the great distance from which witnesses are called sometimes encourages them to make assertions which they would not venture to do in their own villages, where they could be confronted by persons acquainted with the matter in litigation. But if the taking of false oaths were even much less common than it is, the prevalence of such a practice to any considerable degree must it is evident greatly impede the proceedings of the court, by involving all evidence in doubt and rendering the judge uncertain what he ought to believe or reject.

26. We have therefore followed the usage of the country in giving a latitude to the Village Moonsiffs and Village and District Punchayets to put such witnesses only on their oaths as they may think are not giving their evidence correctly and we have also in order to obviate the delays and expense resulting from the summoning of too many witnesses, left them a discretional power to examine only four witnesses on each side in any suit where they may not deem any further evidence necessary. We are persuaded that this restriction will contribute greatly to shorten the duration of suits; for when the parties know that they can only have four witnesses each, they will be careful to summon those who are best acquainted with the subject of the litigation and we believe that few causes occur of such a nature as to require more than four witnesses on each side.

27. The Village Moonsiff in order to support his authority is authorized to impose a fine of half a rupee, and the District Moonsiff a fine of one rupee for disrespect &c. When a witness refuses to give his evidence, the Village Moonsiff is empowered to fine as far as five rupees. As a refusal to give evidence usually proceeds from a collusion between the witness and one of the parties, the fine ought to be at least equal to what it is supposed he may be paid for withholding his evidence. Were this not the case, it would be easy to purchase the silence of a witness whose evidence might be material to the decision of the suit by giving him a share of what the party might save or gain thro' his means. As the Village Moonsiff cannot of his own authority try any suit for more than ten rupees, it is not likely that either party would pay more than five rupees for the suppression of evidence and we have therefore extended the fine to that amount. In the case of a refusal to give evidence before a Village Punchayet, the fine is also limited to five rupees, because we think it would be injudicious to extend the authority of the Village Moonsiffs and because if the fine were higher, a reference as in the case of the District Moonsiff would be necessary to the Zillah Court which from the number of the Village Moonsiffs being three or four thousand to a Zillah, would

occasion a total hindrance to the business of the court. To the District Moonsiff in such cases we have given authority to impose such a fine as he may deem proper subject to the approbation of the Zillah Judge. But as we conceive that the imposition of fines without the power of levying them cannot answer the chief end for which they are imposed, that of upholding the Moonsiff's authority, this power is given to the District and Village Moonsiffs. If a reference be made to a Zillah Judge about every fine imposed and if he answer every one immediately, much of his time would be occupied and dissipated in a most unprofitable way. If he allow the references to accumulate during two or three months and then answer them at once, he loses less time; but the object for which they were imposed is forgotten and the realization of them resembles rather the collection of extra taxes, than the levying of fines for offences. If the person on whom a fine has been imposed repair to the Zillah Court in the hope of obtaining a remission of it and is successful, the authority of the Moonsiff is lessened; if he fails, he incurs the trouble and expense of attendance on the court and of a journey of ten or a hundred miles in addition to paying the fine. With the view therefore of saving the parties fined from any additional needless expense, of maintaining the authority of the Moonsiffs, and of relieving the Zillah Judge from the superintendence of trifling matters to which he cannot possibly attend without injury to more important duties, the Moonsiffs are empowered to levy the fines which they impose.

28. The same reasons that weigh in favour of the Moonsiffs levying their own fines weigh still more forcibly in favour of their carrying into execution their own decrees and the decrees of the Village and District Punchayets within their respective jurisdictions. In their decisions, unless corrupt, they are not amenable to any authority for their judgments. But in any case of abuse of authority, they are punishable by fine and degradation from office. Why therefore should they be more likely to abuse their authority in carrying their decrees into execution than the Nazirs of the Zillah Courts, their deputies or peons whose duty it is to enforce all orders and decrees of the courts by the attachment and sale of property by auction? The Zillah Judge and his Register are at a distance when attachments are made and sales take place, and they have no means of learning whether all is regular and free from abuse. If a party complain, he is informed that the Nazir and his officers are amenable for all acts in their official capacity and to prefer his complaint in the Zillah Court. But the same redress is open for any abuse of authority on the part of the Moonsiffs. And there can be little doubt that it will prove a much greater check upon them than upon the Nazirs, because persons injured will have much less hesitation in carrying their complaints against Moonsiffs than against its own officers to the Zillah Court. A control will thus be established over these sales which does not now exist. By giving the District Moonsiffs one anna in the rupee on the amount of sales by auction in satisfaction of decrees, parties cast will be induced to fulfil the condition of the decree without his interference to save the percentage and where his interference is necessary, it will be his interest that the effects sold should yield the best price.

29. We have rescinded such part of section XXIII, Regulation XXVIII of 1802, as directs that the District Moonsiffs shall sell distrained property. Were a District Moonsiff liable to be ordered away by the Zillah Judge on such duty at a distance from his station, it would be productive of great inconvenience, because Punchayets might then be assembled, and as all summonses and other process must be made through him, his absence under such circumstances would occasion much delay to parties, members of Punchayets and witnesses. Besides as the same section provides for other commissioners of distraint being appointed when necessary, we have felt the less difficulty in exempting the District Moonsiff from this office.

30. We have also thought it advisable to exempt all Village Moonsiffs and members of Village and District Punchayets from being summoned before any court for any act done in their official or public capacity unless corruption be proved when they are liable to prosecution. If they could be called before the Zillah Court to explain or vindicate the grounds of their decisions whenever any objection was made to them, all respect for their proceedings would be destroyed;

the Police and Revenue duties of the village would be impeded by the absence of the Moonsiff, and it would become difficult to assemble Punchayets, because every man would endeavour to evade serving on them when he knew that it might subject him to a long and harrassing journey to the Zillah court.

31. We have throughout the Regulations now submitted to Government followed the principle of not admitting more than two trials in any suit; appeals are therefore final from the Village to the District Moonsiff, from the Village to the District Punchayet, from the District Moonsiff and Punchayet to the Zillah Judge, whether he tries the cause himself or refers it to the Sudder Ameen. But appeals in original suits referred to the Sudder Amin will lie to the Zillah Judge under the rules prescribed for appeals from the decision of the Register. By this arrangement special appeals cannot be allowed in any suits that originate in the Village or the District Courts; as the value of the thing in dispute can never exceed two hundred and eventually three hundred rupees, two trials appear to us to be quite sufficient. If special appeals be admitted, it will be almost impossible to restrict them to the particular cases for which they are intended. Parties when they see them granted in one instance will be led to expect them in another and a ruinous litigation will be promoted; should it however be deemed advisable by Government to extend the special appeals, they might be confined entirely to matters of general interest in which more than the litigant parties are to be affected by the decision, such as claims to the right of grazing cattle on commons, of taking stone or gravel from waste lands, or of cutting wood in jungles.

32. In framing the Regulations we have endeavoured to adapt them as far as possible to the manners and institutions of the people for whose use they are intended and as among themselves the distribution of justice was accompanied with little form and with no expense. We have endeavoured to render the Village Moonsiff efficient by simplifying his duties, by dispensing with writing wherever it could be done, by making all his summonses verbal and by giving him sufficient power to maintain his authority. We have exempted all village trials whether by the Moonsiff or Punchayet from every kind of expense and also all District trials from every charge excepting the institution fee to the Moonsiff and batta to the Punchayet and witnesses; and we have adhered to the custom of the country in not requiring an oath from the members of the Punchayet, in allowing the number of members to vary according to convenience, and by not fettering them with any rules respecting adjournment. Any attempt to restrain the Punchayets by rules unknown to their own ancient forms, would render them unpopular. If in their present form they are found to answer the purpose for which they are intended, alteration is unnecessary; if on experience they appear defective, they can be improved by degrees hereafter. All regulations should in the beginning conform as nearly as possible to the existing customs of the country and be changed progressively with those customs. Though justice is every where the same, the mode of dispensing it differs in all countries; and that which is acceptable under one state of society may be quite the reverse under another. We should therefore give to the Natives. Village and District Courts suited rather to the present state of society among them, than to our ideas of what such courts ought to be, and leave them at liberty to follow their own choice in seeking redress either from these simple tribunals or from our regular courts. The Natives themselves are the best judges of what is suited to their present condition, and the experience of a very few years will determine whether they prefer courts founded on their own institutions or on those of Europe. Among so great a body of men as forty or fifty thousand Heads of villages, we must expect that many will be unfit for the office of Moonsiff, as far as regards deciding suits upon their own judgment; but this will occasion no serious inconvenience, because where the Head of a village is unfit, the party will apply for a Punchayet which he can always assemble rather than trust to his decision; or the Heads of some of the adjoining villages may be well qualified for the office of Moonsiff and the inhabitants who have suits to adjust will apply to them. We must also expect that many will err in point of form, many in point of judgment, and that many will pass unjust decision. But with all these objections, we are persuaded that thro

the agency of Moonsiffs and Punchayets, a greater mass of essential justice will be distributed to the people than could be done through any other means. But we ought not to regard these institutions merely in the narrow view of their utility in settling causes, but of their influence in improving the character of the people and attaching them to the Government under which they live. Nothing surely can tend more strongly to raise men in their own estimation and to make them act up to it, than the being thought worthy of being entrusted with the distribution of justice to their countrymen, and no motives can be more powerful in attaching a body of men to a Government, than the consciousness that they are not neglected by it, that confidence is placed in them, and that though in a subordinate capacity, they form a material part of its internal administration.

33. It now only remains for us to give a summary of the Police Regulation
with a few remarks upon it. By Regulation VII, the superin-
Section II. tendence of the Police is transferred from the Zillah Magistrate
to the Collector as directed by Government in the letter of the Secretary in the
Judicial Department of the 13th May. The Darogah and Tannahdar establish-
ments are abolished. The Police of villages is placed under
IV the immediate direction of the Heads of villages, of Districts
XXXII under that of Tahsildars, and of the Province or Zillah under
LVIII the general superintendence of the Collector. Heads of
villages are to forward all persons apprehended for murder, robbery, house-breaking and other heinous offences without delay to the Tahsildar, who is immediately to examine and send them to the Magistrate and report the circumstance to the Collector. In cases of a trivial nature such as petty assaults and affrays, Heads of villages are authorized to confine twelve hours and Tahsildars twenty-four hours either in the stocks or without, and Collectors to confine seven days in the cutcherry or cutwal's choultry. All Tahsildars, Heads of villages and other Police officers are liable to prosecutions for abuse of authority either criminally or for
damages. Collectors are authorized to entrust to Zemindars
L such part of the Police powers given to Tahsildars as they
may deem expedient and they are also authorized to delegate to their assistants such part of the powers vested in themselves by this regulation as they may think proper.

34. This Regulation is founded chiefly on the one which was drawn up by
the Police Committee in 1814, by making such additions
LXXX and alterations as were necessary to adapt it to the change
of system introduced by placing the Police under the control of the Collector. All subordinate gradations of Police officers are included in two classes, the Village and District, for Cutwals, Ameens of Police, and Zemindars do not form any separate class. The Cutwals in the few places where they are found form a part of the village establishment. They are nothing more than head peons employed to assist the Head of the village. Amins of Police also form a part of the village establishment, for they are employed to superintend the Police of the village or town only, where from the greatness of the population, the resort of foreigners or some other causes the Head of the village is himself unequal to that duty. The Zemindar belongs to the district establishment and where there is no Tahsildar, supplies his place as Head of the District Police with equal or diminished authority as may be thought most expedient. Some Zemindars will, we believe, be found very useful in the charge of the Police of their Districts, and even those who may be too independent to submit to all the forms of our Regulations or to comply implicitly with the orders of the Collector will be better qualified to superintend the Police of their Zemindaries than any Ameens who could be employed for that purpose. In such places our system of Police should be cautiously and gradually introduced and not precipitately forced upon the Zemindar.

35. No power is entrusted to the Collector which is not absolutely necessary to enable him to carry on the duties of Police, and where the Heads of villages are authorized to punish with twelve and the Tahsildars with twenty-four hours confinement in the stocks, it is solely with the view of preventing the offender from

suffering a greater punishment by being sent to the Magistrate; for it is undoubtedly a smaller punishment to be placed twelve hours in the stocks for a drunken affray, than to be sent under a guard fifty or sixty miles to the Magistrate, and kept several days from his house. There is no offender who would not consider the punishment in his own village as a much lighter evil; when any person is confined in a village for an affray, he is frequently locked up in some small dark place or tied to a post because the Village watcher is otherwise employed and has not time to guard him There is no other way of putting a stop to this practice but by authorizing the use of the stocks.

36. The nature and utility of the Village Police have been so often discussed and have been so fully explained by the late Committee of Police in their report of the [*lacuna*] 1814, that there can be no necessity for our entering into any detail upon the subject. We have proposed that all Village watchers who are not now hereditary shall be made so and that a part of their inheritance shall be in land in order to give them a greater interest in the village. It has been thought by some that the Village watcher ought to have no Revenue duty, but it should be considered that the Revenue do not interfere with the Police duties of the Talliary; that without employment in the Revenue he could not be so efficient a Police servant, for it is by the knowledge which he acquires in his Revenue duty of all the inhabitants that he is enabled to fix upon those who are guilty of offences and to detect suspected strangers. Employ him merely as a Police officer on pay, he will lose the Talliary character and become no better than a Police peon.

37. It appears from the Coimbatore Police Regulation, that the Village Police of that Province is carried on without the aid of Talliaries, and as far as we can understand from the Regulations, by the great body of the inhabitants themselves divided into twelve sections, each section in its turn serving one month as a public watch. If such a system does actually exist, it is no doubt economical in saving disbursement, but does it not indirectly diminish revenue by withdrawing a portion of the labour of the people from their own business? The people who pay as revenue so great a proportion of their income have unquestionably a right to be protected at the expense of Government, or if they protect themselves, to be paid for their labour. In every well-ordered community, the inhabitants ought to be left at full liberty to pursue their several occupations under the protection of a Police establishment maintained by the Government. They ought indeed on all occasions of emergency to be liable to be called out to repel or pursue offenders. But unless when there is an actual alarm raised, they ought not to be compelled to act as a Police body.

38. We propose that the Police and Revenue peons shall no longer form a separate establishment, but be incorporated with each other and be employed on both duties without distinction. This will enable the Collector to conduct the business of both departments with a smaller number and to effect some saving. But the union is essential to the attainment of more important objects, for it is the only means of rendering both efficient by leaving no motive for opposition and counteraction, and of doing away the petty village vexations and espionage which could never be checked while the charge of the Village Police remained in the hands of such men as Tannadars' peons. The peons like the Talliaries by having Revenue duties to perform will become more expert and useful as Police servants for their Revenue duties are much more constant, call them much oftener into different parts of the country, give them a more extensive knowledge of the inhabitants, and thus render them when necessary better qualified to act as Police peons.

39 After the union of the Revenue and Police establishments, it will in some districts still be necessary to keep up a small body of peons who though occasionally employed on Revenue and Police duties, ought to be regarded as Military. The country cannot be protected without them; and as regular troops cannot be employed but at a much greater expense, they cannot with safety be disbanded. All peons required to protect the inhabitants against offenders residing within our own territory may be considered as Police; but those who are required to guard

them against the incursions of banditti from a foreign country should be regarded as military or at least as extra Police peons. The strength of the ordinary Police is regulated by the internal state of our own country, but that of the extra or military Police must depend on the state of the foreign frontier and the character of the chiefs in whose possession it is, and must fluctuate as their Government is good or bad. Every reduction of these peons must therefore be made with caution upon the report of the Collector. In most of the districts which are not frontier, the Village Police with the aid of the Revenue peons, is sufficient for the maintenance of the peace. In such districts there can be no banditti which they may not easily put down, there may be some parties belonging to our Poligars too strong for the ordinary Police; but they may be traced to their haunts without much difficulty and the Poligar be compelled to give them up. But the case is very different in the districts adjoining the territories of the Mahrattas and the Nizam. Bodies of one or two hundred well armed men some times come across the frontier and plunder whole villages; and hence it is necessary to station military peons in several of the principal villages and open towns not to prevent theft or robbery, but to guard the place from being plundered.

40. The frequency of these incursions has, it appears, from the report of the Magistrate been increased in Sondah by the disarming of the inhabitants. In almost every plan for the improvement of the Police which has been brought forward during the last fifteen years, the disarming of the inhabitants has formed an essential article. It may often be extremely advisable on reducing to subjection the districts of turbulent poligars to remove all military stores and to disarm the principal retainers of the chief; but it is neither desirable nor safe to disarm generally the inhabitants of our territories. The peaceable give their arms up; the dangerous retain and conceal them to be used when an opportunity offers. While the Native Governments and the states of society in India are such as they now are, no unarmed country surrounded by armed neighbours can enjoy any repose. No Police however numerous could under such circumstances afford security to the population; robberries would increase every where in the interior, and the banditti beyond the frontier would be tempted to make frequent and distant incursions into a country where they would find the inhabitants an unresisting prey. The perpetration of such outrages is restrained at present principally by its being known that the people of our frontier districts have arms and that they will defend themselves; there is not the smallest danger that the inhabitants will employ their arms except against the disturbers of the peace. But it is in time of war that the evil consequences of disarming the country would be most extensively felt. When an invasion occurs, the inhabitants are accustomed to seek refuge in the fortified villages where they are able to defend themselves against all predatory detachments and to make terms when the main army comes up. But were they disarmed, the villages would be taken without resistance, plundered and burned; and the richer inhabitants would be carried off or tortured to make them discover where their wealth was concealed not only by marauding detachments, but by parties of banditti belonging to no army. As we think that the inhabitants ought to be armed, we have made no provision for supplying the Police peons with arms. They must bring their own arms and take care of them themselves, by which Government will be saved from an useless expense.

41. The regulation does not fix the rates of hire except with regard to coolies, palankeen bearers, draught and carriage cattle for the use of travellers and detachment of troops; in all other cases the rates are left free. Because they must fluctuate according to the demand and other causes, and the resident inhabitants can make their terms some times above and some times below the fixed standard. No particular provision is made for the supply of troops on the march, because every arrangement of this kind must depend in a great degree upon the rules which may be prescribed for the conduct of the Commissariat, coolies and bullocks must be occasionally pressed, but it never can be necessary to press provisions. Large detachments should be accompanied by a servant of the Commissariat who should find provisions for them in the same way as is done by any private contractor or dealer; small detachments can purchase what is wanted in the villages.

The inconveniences some times experienced on account of supplies by troops on the march through the country, and much more frequently by the inhabitants, can never be obviated but by having Regimental bazaars which by enabling corps and detachments to carry their own provisions would render them independent of the inhabitants. No other mode can secure the inhabitants from wrong. Immediate payment will often be neglected. It may be made by the officer to his servant who will retain a part, or if the whole be paid, it will not reach the owners where the supplies have been collected in detail from a number of inhabitants. The union of the Revenue and Police will however simplify the duty of supplying troops on the march and render it less liable to delays and mistakes than when one part of it was to be executed by the Magistrate and another by the Collector.

42. In framing the regulations we have been careful to make them as full and particular as seemed to be requisite in order to render them adequate to the accomplishment of the objects for which they are intended. But we have at the same time studiously avoided introducing minute directions for the guidance of the local authorities, because we are persuaded that such details would have the effect of embarrassing rather than of assisting them in the discharge of their duties. We deem it therefore more advisable that the Magistrate and Collector should be left at liberty to issue such orders as may be necessary for the conduct of their subordinate officers and not incompatible with the regulations, though Legislation should descend too much into matters of little importance.

ENCLOSURES.

(*Commissioners' Original draft Regulations I to VII.*)

(1)

A.D. 1815. REGULATION I.

A Regulation for authorizing Heads of villages as Village Moonsiffs to hear and decide Civil suits for sums of money and for real and personal property to a limited amount throughout the Territories subject to the Government of Fort St. George.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

Preamble.

I. In order to diminish the expense and to facilitate the speedy distribution of justice in petty suits, to enable the inhabitants to obtain it without being subjected to the inconvenience of a long absence from their homes, to restore to the Heads of villages and Curnums the consideration which they formerly derived from the decision of such suits, and to relieve the Zillah courts from the pressure of business, the following rules have been enacted.

Heads of villages to be Moonsiffs within their villages.

II. Heads of villages shall in virtue of their office be Moonsiffs within their respective villages.

Heads of villages defined.

III. *First.*—In villages whether permanently settled, rented, or in the hands of Government where there may be more than one head man coming under the denomination of Potail, Reddi, Renter, or any other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the Head of the village. No person shall act as the Head of the village, who does not generally reside in it. Where there is but one resident renter of a village, he shall be considered as the Head of the village; where the renter is not a resident the person who rents or manages the village under him, shall be considered as the Head of the village.

Where doubts may arise, collectors are to select one person to act as Head of the village.

Second.—Where from the names of two or more persons being introduced in the same puttah, as heads or renters of the village, or from any other cause, doubts may arise as to whom the office of Head of the village belongs, the Collector shall select one person and give him a puttah to act as the Head of the village.

Village Moonsiffs exempt from oaths of office, copy of this Regulation to be lodged with the Village Curnum.

IV. Village Moonsiffs shall not be required to take any official oath; they shall be furnished with a copy of this Regulation for their guidance to be lodged with the Village Curnum.

V. They shall not be liable to be summoned either by the District Moonsiff, or Zillah Court, to answer for their proceedings as Village Moonsiffs.

Exempt also from summons to answer for their conduct as Moonsiffs.

VI. Village Moonsiffs shall not receive or try any suit for damages on account of personal injuries, or for personal damages of any nature.

Prohibited trying suits for damages of any kind.

VII. They shall be empowered to hear and determine of their own authority (as Moonsiffs) all suits whether for real or personal property not exceeding the value of ten Arcot rupees; for lands exempted from the payment of revenue to Government, the annual produce of which shall not exceed one Arcot rupee and for lands paying revenue to Government, the annual produce of which shall not exceed ten Arcot rupees.

Amount of suits cognizable by Village Moonsiff specified.

VIII. They shall not try any suit in which the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, unless the plaintiff can prove that he preferred his claim to a competent authority, or that the defendant had admitted the truth of it, within that period.

Limitation of time in reference to commencement of cause of action.

IX. With respect to the rate of interest, the Village Moonsiff shall be guided in his proceedings by the rules enacted in Regulation XXXIV, 1802, a copy of which shall be lodged with the Village Curnum.

Village Moonsiff to be guided in his proceedings by Regulation XXXIV, 1802.

X. Plaintiffs and defendants shall be allowed to employ vakeels before the Village Moonsiff; but no person shall be allowed to act as a vakeel before any Village Moonsiff, unless he be a relative, servant or dependant of the person for whom he may be appointed to act, and unless he be provided with a Vakalutnamah.

Vakeels to be relatives, servants, or dependants of parties.

XI. No Village Moonsiff shall try any suit in which he or any of his immediate servants may be personally interested.

Village Moonsiffs restricted from trying suits in which he or his servants may be interested.

XII. *First.*—In hearing and deciding all suits, the Village Moonsiff is to cause the Curnum of the village to attend as assessor, in order to assist him with his advice, and to write the proceedings; but he shall decide by his own opinion, whether it agree or not with that of the Curnum.

Curnum to assist Moonsiffs, but they are to decide on their own opinions.

Second.—Should the Curnum from sickness or absence be unable to attend at the time fixed for the trial, the Village Moonsiff shall defer the trial until he can attend.

Trial to be deferred if the Curnum be absent.

Third.—But whenever there shall be a Deputy acting for the Curnum in the village during his sickness or absence, the Village Moonsiff may employ the Deputy as assessor and try the suit without waiting for the attendance of the Curnum.

Deputy to act for the Curnum, if absent.

XIII. The Village Moonsiff shall send summonses to parties and witnesses by the Totties, Talliaries, and other village servants; but the summonses shall be verbal.

All summonses to be verbal by the village servants.

XIV. The plaintiff shall prefer his suit to the Moonsiff of the village in which the defendant shall reside, but the Village Moonsiff shall not receive the complaint, unless it be proved to his satisfaction that the defendant is then actually present in the village.

Moonsiffs restricted from receiving complaints unless defendant be then in the village.

XV. The plaintiff shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total sum of money or amount of personal or real property claimed and all material circumstances which may elucidate the transaction.

Plaint what to contain.

XVI. After the plaint is received, the defendant shall be summoned without delay. If he abscond, or refuse to attend, in person or by vakeel, and his refusal is proved to the satisfaction of the Village Moonsiff, the suit shall be tried by the Village Moonsiff on the vouchers and evidence of the plaintiff.

If defendant abscond or refuse to attend suit to be tried on plaintiff's vouchers.

XVII. If the defendant attend, the Village Moonsiff shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the Village Moonsiff shall take from him a Razeenamah, stating in what manner the defendant has satisfied him, signed by the parties. The Razeenamah shall be attested by the Village Moonsiff and Curnam.

Razeenamah to be taken if dispute be settled amicably.
What to contain.

Otherwise the plaint to be read to defendant and his answer required.

Delay to be allowed if necessary; if he refuse to answer to be tried *exparte*.

Answer to state all he has to say. No further pleadings to be admitted.

XVIII. *First.*—If the parties object to an amicable adjustment, the plaint shall be read over to the defendant in the presence of the plaintiff and his answer shall be taken in writing without delay, unless the defendant request a delay, in which case a period not exceeding five days shall be granted; but if the defendant refuse to answer the plaint, the Village Moonsiff shall proceed in the trial as directed in section XVI.

Second.—The answer shall state all that the defendant has to say regarding the case and no further pleadings shall be admitted.

Decision to be passed if required without examination of witnesses or on the oath of one party.

Third.—If the parties are willing to dispense with the examination of witnesses, the Village Moonsiff shall give his decision on due consideration of the plaint and answer and any vouchers which may be produced; or if either party is willing to let the cause be settled by the oath of the other, the Village Moonsiff shall give his decision accordingly.

Witnesses to be examined *viva voce* unless their evidence be required in writing.

XIX. *First.*—Should witnesses be required, each party shall give in a list of his own, who shall without delay be summoned and examined in presence of the parties; but it shall not be necessary to take down their evidence in writing, unless at the special desire of either of the parties.

Written evidence to be signed by witnesses being first read to them.

Second.—When the evidence is taken down in writing, the Village Moonsiff shall cause it to be read over to the witness and to be subscribed with his or her name or mark.

Written evidence limited to four on each side.

Exception.

Oaths to be administered to witnesses if necessary.

Third.—The Village Moonsiff shall not examine more than four witnesses on each side when the evidence is required to be taken in writing, except in particular cases, where he may deem further evidence necessary. The Village Moonsiff may cause an oath to be administered to any witness when he thinks he is not giving his evidence correctly.

Moonsiffs prohibited from requiring security.

XX. In suits depending before them, the Village Moonsiffs are hereby strictly prohibited from requiring securities of any kind from the defendants.

Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial and not again received.

Proviso.

XXI. *First.*—If the plaintiff after having made his complaint, shall not attend on the day fixed for the trial, his suit shall be dismissed and shall not again be received unless sufficient cause shall be shewn for his not attending.

If the defendant do not then attend, the suit to be tried on plaintiff's evidence.

Second.—If the defendant shall not attend on the day fixed for the trial, the Village Moonsiff shall try the cause on such evidence as may be brought before him by the other party.

The District Moonsiff how to act on such cases coming before him.

XXII. The District Moonsiff may order the suit dismissed to be tried by the Village Moonsiff, or he may try it himself, and he may order the suit tried *exparte* to be tried anew, or he may try it himself, provided the plaintiff or the defendant, shall shew to him satisfactory cause for not having appeared before the Village Moonsiff by the prescribed time.

Witnesses liable to fine for neglect to attend or disrespect to Village Moonsiffs.

To be commuted if necessary for twenty-four hours confinement.

Refusal by a witness to give his evidence liable also to fine to be levied by the attachment of his property.

Proviso.

XXIII. Any witness who shall neglect to attend after being duly summoned, or who when in attendance shall be guilty of disrespect to the Village Moonsiff may be fined by him in a sum not exceeding half a rupee, to be commuted at discretion for twenty four hours confinement in the village choultry; any witness attending who shall refuse to give his testimony shall be fined at the discretion of the Village Moonsiff in a sum not exceeding five Arcot rupees to be levied if necessary by the attachment and sale of his property as is prescribed in section XXXVIII of this Regulation, provided however that it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause.

Absent witnesses to be summoned by other Village Moonsiffs or the District Moonsiff.

XXIV. *First.*—Should any persons whose evidence is necessary in the suit be absent, the Village Moonsiff shall send a list of them either to the Village Moonsiff in whose village they may be or to the District Moonsiff if within his limits and the Village Moonsiff or District Moonsiff as the case may be shall cause them to attend.

The deposition of witnesses residing beyond the limits of the District to be taken in writing and forwarded.

Second.—Should the persons whose evidence is required reside beyond the limits of the District, the District Moonsiff shall on the requisition of the Village Moonsiff, apply by letter to the Moonsiff of the District in which they may be and require their depositions to be taken on the spot and forwarded.

Third.—The Village Moonsiff shall not summon any woman to appear before him whose rank or caste may render her attendance improper; but he may require her to furnish her deposition in writing duly attested.

Women of rank or high caste to send their written testimony but exempt from attendance.

XXV. Parties or their vakeels guilty of disrespect to the Village Moonsiff may be fined by him in a sum not exceeding half a rupee, to be commuted at discretion for twenty four hours confinement in the village choultry.

Parties or vakeels liable to fine for disrespect.

XXVI. When the parties have been heard and the exhibits received and considered and the witnesses on both sides examined, the Village Moonsiff shall give judgment according to justice and right.

The decision to be passed after due consideration.

XXVII. The decree shall contain the names of the witnesses examined, the title of every document read in the trial, and the sum of money or value of the property decreed with an abstract of the grounds on which the decree is passed; the decree shall bear the signature and seal of the Village Moonsiff and Curnum and shall be dated on the day on which it is passed.

What shall be contained in the decree.

XXVIII. The Village Moonsiff shall have authority to allow in his decree a reasonable time to the defendant for the discharge of the amount decreed.

Moonsiffs authorized to allow time in decrees to discharge amount decreed.

XXIX. *First*—Within three days after the date of the decree one copy of the decree shall be given to the plaintiff signed by the defendant, one to the defendant signed by the plaintiff, and a third with all the documents connected with the suit shall be forwarded to the District Moonsiff.

Copies of decrees to be given to parties within three days after its date.

A third with the documents to be sent to the District Moonsiff.

Second—If the plaintiff or defendant shall not attend either in person or by vakeel within three days to receive a copy of the decree, or shall refuse to receive it when tendered, the Village Moonsiff shall note this omission or refusal on the back of the copy of the decree which he is directed to forward to the District Moonsiff; and the copies intended for the parties shall be kept by the Village Curnam until claimed by either party in the event of his preferring an appeal.

Non attendance on delivery, or refusal to receive the decree to be endorsed on the copy sent to the District Moonsiff.

XXX. *First.*—Any person dissatisfied with the decision of the Village Moonsiff, may appeal to the District Moonsiff provided the petition of appeal be presented within fifteen days from the date of the decision, a copy of which the appellant must present with the petition.

Appeals open from decisions of Village Moonsiffs to the District Moonsiffs.

Proviso.

Second.—The District Moonsiff however may admit the appeal after the prescribed period in cases where the appellant shall shew satisfactory cause for not having presented his petition within the limited time. But whenever he shall admit an appeal, which may be preferred to him after the limited time, he is to enter upon the record of the trial his reasons for admitting the appeal.

District Moonsiffs may admit appeals after the prescribed time.

Proviso.

Third.—The District Moonsiff shall not suspend execution of the decree, unless the appellant shall within three days give security for the eventual performance of it.

Decree to be enforced unless appellant produce security required.

Fourth.—No appeal shall be received by the District Moonsiff unless the appellant at the time pay an institution fee of one anna per rupee on the amount adjudged or disallowed, which the Zillah Judge shall pay to the District Moonsiff on the decision of the suit.

An institution fee to be received on appeals.

How to be appropriated.

XXXI. The decisions of the District Moonsiffs on appeals from decisions of the Village Moonsiffs shall be final.

Decisions of the District Moonsiffs final.

XXXII. In all cases of appeal from decisions of Village Moonsiffs no further pleadings shall be allowed than the petition of appeal and the answer.

No pleadings allowed in appeals but petition and answer.

XXXIII. All fines levied by the Village Moonsiff shall be sent at the end of each month to the District Moonsiff.

Fines to be sent monthly to the District Moonsiff.

XXXIV. Decisions of Village Moonsiffs shall not be set aside for irregularity in the proceedings, but on the merits only.

Decisions of Moonsiffs not to be set aside for want of form.

XXXV. No Village Moonsiff shall confine or punish corporally any party, vakeel or witness, who may come before him in any suit excepting under the provisions specified in sections XXIII and XXV of this Regulation.

Moonsiffs restricted from inflicting corporal punishment or confining persons.

Exception.

XXXVI.—The Village Moonsiff for all acts of corruption in his official capacity, shall be liable to prosecution in the Zillah Court by either party in the suit. If the charge be proved he shall be adjudged to pay to the prosecutor a sum not exceeding three times the amount or value of the money or property corruptly received with all costs of suit.

Moonsiffs liable to prosecution for corruption.

XXXVII. The decision of the Village Moonsiff shall be carried into execution by himself, whenever it can be done, without attaching the property of the defendant or party cast.

Decisions to be carried into execution, if possible without attaching defendant's property.

XXXVIII. *First.*—If the defendant shall not appeal within the period limited for appeal, and shall not discharge the sum decreed against him within the period limited in the decree, the Village Moonsiff shall on the written application of the party in whose favour the decree is given, attach the property of the party cast to the amount of the sum decreed; but he shall give immediate notice of this in writing to the District Moonsiff, who shall within one day after he receives it, send a peon to sell by public auction the property attached in the presence of the Village Moonsiff and to pay the amount decreed to the party for whom judgment has been given, taking his receipt attested by the Village Moonsiff and Curnum.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the District Moonsiff.

Process to be issued to sell the same.

Plaintiff to give his receipt for the amount.

Second.—The batta of the peons sent by the Village Moonsiff with the notice to the District Moonsiff, and of the peon deputed by the District Moonsiff to sell the property attached and every expense that may attend the sale, shall be defrayed by the defendant or party cast.

Batta to peons and charges attending the sale to be defrayed by the party cast.

Third.—The Village Moonsiff shall cause notice of the intended sale to be given by beat of drum through the village five days previous to the sale.

Notice of the sale to be given five days previous.

Fourth.—Resistance to the sale shall be considered as a breach of the peace and liable to the same punishment.

Resistance to the sale to be punished as a breach of the peace.

XXXIX. The Village Curnum shall keep a register of all sales by auction in his village in satisfaction of decrees, noting therein the day of sale, the particulars of property sold, its amount, the name of the purchaser and his residence.

Curnum to keep a register of all sales in satisfaction of decrees.

XL. Suits tried by Village Moonsiffs shall be exempted from fees, stamp duties, batta, and charges of every description excepting those specified in section XXXVIII of this Regulation.

Suits tried by Village Moonsiffs exempt from fees, stamp duties and all charges.

Exception.

XLI. Suits in which the Village Moonsiff is a party, shall be tried either by the Village Moonsiff of another village, or by the District Moonsiff.

Suits in which they are parties by whom to be tried.

XLII. *First.*—The Village Moonsiff is authorized to hear and determine all suits which may be voluntarily referred to his decision by both parties, whether they belong to his own village or to any other, whether for real or personal property not exceeding the value of one hundred Arcot rupees; for lands exempted from the payment of revenue to Government, the annual produce of which shall not exceed ten Arcot rupees; and for lands paying revenue to Government the annual produce of which shall not exceed one hundred Arcot rupees.

Village Moonsiff to determine suits at the instance of both parties as arbitrators.

Amount limited.

Second.—He shall receive from the parties a bond under their signatures attested by two credible witnesses agreeing to abide by his decision.

Parties to give a bond to abide by the decision.

Third.—In his proceedings in such cases he shall be guided by the same rules as have been prescribed for his conduct in trying suits of his own authority as Moonsiff.

As arbitrator he is to be guided by the rules prescribed for him as Moonsiff.

XLIII. His decisions in such cases shall not be set aside by the Zillah Judge except at the instance of either party, for corruption or gross partiality proved to the full satisfaction of the Zillah Judge, by the oath of two credible witnesses.

His decisions in such cases not to be set aside.

Exception.

XLIV. *First.*— In all cases of inheritance of or succession to landed property, the Mahomedan Law with respect to Mahomedans, and the Hindoo Law with respect to Hindoos, are to regulate the decisions of the Village Moonsiff and the Village Moonsiff in all such cases is to obtain an exposition of the Law from the Law Officers of the Zillah Courts, to whom he is to transmit a written abstract of the case for this purpose through the District Moonsiff.

By what laws the decisions of Village Moonsiffs are to be regulated.

Exposition of the Law how to be obtained.

Second.— In all such suits the Village Moonsiff is to cause to be affixed in some conspicuous part of the village a written notification of the claim preferred with a requisition to all persons who have any claim to the property sued for, to prefer the same within a limited period and his decision is to include all claimants to the property in question, who according to the law of the parties have a just and legal title to share therein.

Notification to be issued in suits relative to the inheritance of or succession to landed property.

All claimants to be included in the decision.

XLV. *First.*—The Village Moonsiffs are prohibited from admitting as an exhibit or from receiving in evidence any obligation, bond, deed, or document, whether it be the original or a copy, of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulation.

No exhibits to be admitted which are not written in the prescribed stamp paper or cadjan.

Second.— A list of the prescribed rates of stamp paper and stampt cadjan with the dates when in force, shall be furnished by the Collectors to every Village Curnum in their respective Zillahs for the guidance of the Village Moonsiffs.

A list of rates to be lodged with the Village Curnum.

XLVI. The Village Moonsiff shall on the fifth of every month transmit to the District Moonsiff all Razeenamahs and a report written by the Curnum of the suits decided in the preceding month according to the following form, to be forwarded to the Zillah Judge.

Monthly reports of suits decided to be sent to the District Moonsiff also.

Report of causes decided by the Moonsiff of the Village of . . . . in the month of . . . .

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits—date of the bonds of the parties.	Decree.	Date of the decision.
1	Reddy Row *vs*: Venkapah.	8 rupees on bond with one rupee interest.	1st ...	...	8 rupees principal with one rupee interest in favour of the plaintiff.	10th.
2	Mahomed *vs*: Narrain.	6 rupees balance of an account of rent of land.	1st ...	8th	5 rupees awarded to plaintiff.	10th.
3	Veram *vs*: Kistnah.	Price of bullock 7 rupees.	18th ...	8th	Dismissed parties having executed a Razeenamah.	17th.
				Preferred suits ... 2 Arbitration suits ... 1 Total ... 3		

XLVII. The Village Moonsiff shall on the last day of the 6th and 12th month of the fusly year, transmit to the District Moonsiff reports of the causes depending before him drawn out in the following form by the Curnum to be forwarded to the Zillah Judge.

Half yearly reports of depending suits.

Report of causes before the Moonsiff of the Village of . . . . remaining undecided on the . . . .

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits—date of the bonds of the parties.
1	Ramasamy *vs*: Mahomed ...	9 rupees principal and interest of bond.	3d.	...
2	Runga Naidu *vs*: Narrain Chetty.	Back yard valued at 9 rupees.	3d.	15th.
				Preferred suits ... 1 Arbitration suits ... 1 Total ... 2

XLVIII. These reports shall be forwarded by the public tappal or by a peon to the District Moonsiff or to the nearest Police officer, who shall give a receipt for them, and forward them to the District Moonsiff.

To be forwarded.

A.D. 1815, REGULATION II.

A Regulation for authorizing Village Moonsiffs to try by Punchayet within their respective jurisdictions, Civil suits for real and personal property in certain cases to a limited amount, and in other cases without limitation throughout the territories subject to the Government of Fort St. George.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

I. It being deemed expedient to promote the decision not only of petty suits, but of suits of every description and it being necessary for this purpose to call into operation the ancient institution of trial by Punchayet and it being desirable to render the principal and more intelligent inhabitants, as well as the Heads of villages, useful and respectable by employing them in administering justice to their neighbours. the following rules have been enacted.

Preamble.

II. Every Village Moonsiff shall in virtue of his office be authorized to summon Punchayets within his village and he shall be furnished with a copy of this Regulation for his guidance to be lodged with the Village Curnam.

Village Moonsiffs authorized to summon Punchayets.
Copy of this Regulation to be lodged with the Curnam.

III. He shall not receive or cause to be tried by Punchayet any suit for damages on account of personal injuries or for personal damages of any nature.

Prohibited trying suits for damages of any kind.

IV. The Village Moonsiff shall be authorized to cause to be tried by Punchayet within his jurisdiction, all suits for real or personal property not exceeding the value of one hundred Arcot rupees as calculated in section XLII, Regulation I, 1815, where one of the parties (whether plaintiff or defendant) shall prefer to him a written request that the suit may be tried by a Punchayet, even tho' the other may not agree to this mode of trial.

Amount of suits specified to be tried by Punchayet.
Where one party agrees tho' the other may not.

V. The Village Moonsiff shall also be authorized to cause to be tried by Punchayet without appeal, all original suits whether for real or personal property without limitation as to amount, in which both parties, being inhabitants of his own or of a different village, voluntarily prefer to him a written request, that their suit may be referred to a Punchayet; or in which one party having preferred such request, the other being an inhabitant of his village, on being summoned, shall voluntarily give a bond to the Village Moonsiff agreeing to this mode of trial.

Such amount extended without limitation on both parties requesting a Punchayet.

VI. No application for a Punchayet from one party shall be received, unless the other party is actually present in the village at the time the application is preferred which must be proved to the satisfaction of the Village Moonsiff.

Application for a Punchayet from one party not to be received unless the other be then in the village.

VII. No person shall be allowed to act as a vakeel before any Village Punchayet for plaintiffs or defendants unless he be a relative, servant or dependant of the person for whom he may be appointed to act, and unless he be provided with a Vakalutnamah.

Vakeels to be relatives, servants, or dependants of parties.
To be provided with a Vakalutnamah.

VIII. All persons by the ancient usage of the country being bound to act as members of Punchayets, the Village Moonsiff shall have authority to fine any inhabitant of the village who may refuse to act, to the amount of five Arcot rupees, to be levied if necessary by the attachment and sale of his property as is prescribed in section XXXVIII, Regulation I, 1815.

Moonsiffs authorized to fine any inhabitant who may refuse to act on a Punchayet.
How to be levied.

IX. *First.*—Where it may be necessary to have recourse to a Village Punchayet, the Village Moonsiff shall cause the Punchayet to be assembled without delay; the number of persons on the Punchayet shall never be less than five, nor more than eleven, but shall always be an odd number and the majority shall decide.

The Punchayat to consist of not less than five or more than eleven persons.

Second.—The Punchayet shall be composed of the most inteligent and respectable inhabitants of the village, to be taken in rotation, whenever the number is sufficient for this purpose.

The Punchayet how to be composed: inhabitants to be taken in rotation.

Third.—Any inhabitant of the neighbouring villages may also be placed on the Punchayet, provided he is willing.

Those of a neighbouring village may be on the Punchayet, if willing.

Fourth.—When the parties are of different castes or professions, an equal proportion of the members of the Punchayet shall in all practicable cases be of the caste or profession of each of the respective parties; but a proportion of the members shall also be of castes or professions different from those of both the parties, where it can be done without inconvenience.

Some members of Punchayet when practicable to be of the caste or profession of the parties.
Others of different castes and professions.

Fifth.—In cases in which one party may not agree, as well as in those in which both parties shall agree to the trial by Punchayet, should either of the parties object to any one or more members and shew sufficient ground for his objections, one or more members shall be substituted in the room of the member or members challenged; and where one of the parties may not appear before the Punchayet, the other party shall still be allowed to challenge members as above prescribed.

Other members to be substituted for such as may be challenged by both parties.
One party allowed to challenge if the other does not attend.

Sixth.—Where the parties desire it and only where both shall consent, each party shall nominate two members and the Village Moonsiff one, to form the Punchayet. But on all other occasions, the whole shall be nominated by the Village Moonsiff, the practice of the parties naming two members each, shall never be allowed when it can be avoided.

When the parties consent, each to nominate two members and the Moonsiff one; who in other cases, is to name; all parties naming two each to be avoided, if possible.

Seventh.—The proceedings of the Village Punchayet shall be written either by one of the members or by the Village Curnam.

The proceedings to be written by a member or the Village Curnam.

X. The Village Moonsiff shall at the requisition of the Village Punchayet, summon the witnesses whose testimony may be required; but the summonses of the Village Moonsiff to parties, members of the Punchayet, and witnesses, shall not be in writing but shall be delivered verbally by a peon or Village servant.

All summonses by the Moonsiff to be verbal by the village servants.

XI. On an application from one party for a Village Punchayet in the case specified in section IV of this Regulation, the Village Moonsiff shall immediately summon the defendant. If he abscond, or refuse to attend either in person or by vakeel, and his refusal is proved to the satisfaction of the Village Moonsiff, the suit shall be referred to the Punchayet and it shall be tried and decided on the exhibits and evidence of the plaintiff.

On application for a Punchayet the opposite party to be summoned.
If he abscond or refuse to attend, the suit to be tried on the vouchers of the plaintiff.

XII. When in consequence of the prescribed applications from one or both parties as the case may be, the Punchayet shall have been formed and both parties shall attend, if the case is of the nature stated in section V, the Village Punchayet shall take from each of the parties a bond recapitulating the names of the Punchayet and binding himself to abide by their decision; but if the case is of the nature stated in section IV, no such bond shall be required.

Cases stated in which bonds are and are not to be taken from the parties to abide by the decision.

XIII. *First.*—The Village Punchayet shall take the written plaint of the plaintiff, the plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total sum of money or amount of real or personal property claimed, and all material circumstances which may elucidate the transaction.

Plaint what to state.

Second.—The plaint shall be read to the defendant who shall be required to give his answer in writing; should he refuse to answer the plaint, the Punchayet shall proceed as directed in section XI of this Regulation; should he require time, a delay not exceeding five days shall be granted, unless in particular cases when the Punchayet may be satisfied that a longer period should be allowed. If he require no delay, his answer shall be taken immediately. It shall state all that he has to say regarding the case and no further pleadings shall be admitted.

To be read to defendant and his answer required. Delay to be allowed if necessary.
Answer to state all he has to say; no further pleadings to be admitted.

XIV. The Punchayet after receiving the answer shall take from the plaintiff and defendant their exhibits and a list of their respective witnesses.

Exhibits and a list of witnesses to be taken from parties.

XV. *First.*—The witnesses shall be examined by the Punchayet and their depositions taken in writing on separate papers with their respective signatures in the presence of the parties. The deposition of every witness shall commence by specifying the name, the father's name, or if the deponent be a married woman, the name of her husband, the religion, caste, profession, age, and place of residence of the deponent.

Witnesses to be examined by the Punchayet, their depositions to be on separate papers.
The deposition how to commence.

Written depositions in certain cases to be taken or not.

Second.—It shall be in the discretion of the Punchayet, either to take the depositions of witnesses in writing or not in suits not exceeding ten Arcot rupees whether for real or personal property as calculated in section VII, Regulation I, 1815.

Four witnesses only to be examined on each side.

Exception.

Third.—The Punchayet shall not put to witnesses questions suggesting a particular answer and shall not examine more than four witnesses on each side, except in particular cases where they may deem further evidence absolutely necessary, and the Punchayet may cause an oath to be administered to any witness, when they think he is not giving his evidence correctly.

Punchayet to be guided by restrictions referred to.

XVI. The Village Punchayet shall be guided in their proceedings by sections VIII and IX, Regulation I, 1815, regarding the limitation of time on the commencement of the cause of action and the rate of interest prescribed.

The Punchayet or the Moonsiff prohibited from requiring security.

XVII. In suits depending before Village Punchayets, the Village Moonsiff and Punchayet are hereby strictly prohibited from requiring securities of any kind from the defendants.

On the parties not attending when the answer has been received, the Village Moonsiff is to affix a notice of the day of trial.

If the plaintiff do not then appear, the suit is to be dismissed.

If the defendant do not appear to be tried *exparte*.

XVIII. In cases in which the answer shall have been delivered to the Punchayet and the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the Punchayet shall suspend the trial and the Village Moonsiff shall cause to be affixed in some conspicuous place of the village a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice. If the plaintiff shall not appear before the Punchayet in person or by vakeel within the limited time, the Punchayet shall dismiss his claim. If the defendant shall not so appear by the prescribed time, the Punchayet shall proceed to try the cause *exparte* as prescribed in section XI of this Regulation.

Witnesses liable to fine for neglect, disrespect, or refusal to give their testimony; how evidence is in certain cases to be procured.

XIX. In cases where a witness shall neglect to attend, or shall be guilty of disrespect to the Village Punchayet in open court, or attending shall refuse to give his testimony; or where the evidence of a person is required, who resides beyond the jurisdiction of the Village Moonsiff, or of a person whose attendance may be rendered improper by circumstances of rank or caste or where parties or their vakeels shall be guilty of disrespect to the Village Punchayet, the Village Moonsiff shall at the requisition of the Punchayet, proceed as directed in sections XXIII, XXIV, and XXV, Regulation I, 1815.

Punchayet to deliberate in private and pass their decision.

XX. When the whole of the evidence has been gone through, the Village Punchayet shall direct the parties and witnesses to withdraw and shall deliberate in private and pass their decision in writing according to justice and right.

Three copies of the decree to be prepared.

To be sent under seal to the Moonsiff.

Punchayet to deliver one to each party.

Contents not to be disclosed.

A third copy of the decree with the proceedings to be sent to the District Moonsiff.

XXI. *First.*—Three copies of the decree shall be prepared by the Village Punchayet attested by their respective signatures; they shall be put under a sealed cover and delivered to the Village Moonsiff, who shall send for the parties without delay, open the seal in their presence and cause the Punchayet to deliver to each in his presence a copy of the decree; but no communication shall be made to the Village Moonsiff or to either party on the nature of the decree, previously to its delivery: a third copy of the decree with the documents and proceedings shall be transmitted by the Village Moonsiff within three days from its date to the District Moonsiff to be forwarded with the monthly reports to the Zillah Judge.

What shall be contained in the decree.

Second.—The decree of the Village Punchayet shall contain the names of the witnesses examined, the title of every document read on the trial, the sum of money or value of the property decreed and the time when it is to be paid, or delivered, with an abstract of the grounds on which the decree is founded, and shall be dated on the day on which it is passed.

Refusal to receive the decree to be endorsed on the copy sent to the District Moonsiff.

XXII. *First.*—If the plaintiff or defendant either in person or by vakeel shall refuse to receive a copy of the decree when offered, the Punchayet shall note this refusal on the back of the copy of the decree, which is directed to be forwarded to the District Moonsiff.

Non-attendance to receive the decree to be endorsed on the copy intended for the parties.

Second.—If the plaintiff or defendant shall not attend either in person or by vakeel within three days to receive a copy of the decree, the Village Moonsiff shall note the omission on the back of the copy intended for the party failing to attend and it shall be kept by the Village Curnam until claimed by the party in the event of his preferring an appeal.

Suits in which Moonsiffs are parties by whom to be tried; on a want of persons to form a Punchayet in one village, suit to be tried in another.

XXIII. Where the Village Moonsiff is a party in the suit or where from a want of persons properly qualified, a Punchayet cannot be formed in the village, the District Moonsiff shall on the application of either of the parties or of the Village Moonsiff order the Village Moonsiff of any of the neighbouring villages to try the suit by Punchayet.

Appeal open in certain cases on decisions of Village Punchayets.

Proviso.

Further Proviso.

XXIV. *First.*—In cases where only one of the parties shall agree to the trial by the Village Punchayet as specified in section IV of this Regulation, any person dissatisfied with the decision of the Village Punchayet may appeal to the District Moonsiff provided the sum of money or value of the property adjudged or disallowed shall exceed ten Arcot rupees as calculated in section VII, Regulation 1, 1815, and provided the petition of appeal with the decree is presented within fifteen days from the date of the decision under the same rules as are prescribed by clauses first, second and third, section XXX, Regulation I, 1815 .

Appeal not to be received without an institution fee.

To be carried to the account of Government.

Second.—No appeal shall be received by the District Moonsiff unless the appellant at the time pay an institution fee of one anna per rupee on the amount adjudged or disallowed. The District Moonsiff shall receive no share of the fees on appeals from the decisions of Village Punchayets, but the whole shall be carried to the account of Government.

Appeals from a Village Punchayet to be referred to a District Punchayet; their decision final.

XXV. Every appeal from the decision of a Village Punchayet shall be referred by the District Moonsiff to the District Punchayet for trial, whose decision shall be final.

In cases not appealable, where corruption or partiality is proved, Zillah Judge empowered to annul the decree.

XXVI. In cases not appealable when both parties enter into bonds as prescribed in sections V and XII of this Regulation, to abide by the decision of the Village Punchayet, if it be proved by either party to the satisfaction of the Zillah Judge by the oath of two credible witnesses that the Village Punchayet have been guilty of gross partiality or corruption, he shall annul the decree and the parties shall be at liberty to have recourse to another Punchayet, or to any competent jurisdiction.

Decisions of Village Punchayet not to be set aside for want of form.

XXVII. Decisions of Village Punchayets shall not be set aside for irregularity in the proceedings in respect to form.

Decisions of Village Punchayets under an amount specified to be enforced by the Village Moonsiff.

Proviso.

XXVIII. *First.*—Decisions of Village Punchayets shall be carried into execution by the Village Moonsiff under the rules prescribed by section XXXVIII, Regulation 1, 1815, provided however that the notice prescribed in clause third be extended to ten days and provided the amount of the decision do not exceed the value of one hundred Arcot rupees as calculated in section XLII, Regulation I, 1815.

If within the amount specified herein, to be executed by the District Moonsiff.

Second.—If the amount of the decision of the Village Punchayet exceed one hundred Arcot rupees and do not exceed two hundred Arcot rupees, the decision on the written application of either party, shall be carried into execution by the District Moonsiff.

If above the amount specified herein by the Zillah Judge.

Third.—If the amount of the decision of the Village Punchayet exceed two hundred Arcot rupees, the decision shall be carried into execution by the Zillah Judge on the petition of either party to that effect.

Suits tried by Punchayet exempt from fees &ca.

Any charges for paper to be paid by the party cast.

XXIX. Suits tried by Village Punchayet shall be exempted from fees, stamp duties, batta, and charges of every description; any necessary expense for paper shall be defrayed by the party, who is cast in the suit.

Petitions to the Zillah Court in certain cases to be on stamp paper and exempt from all fees.

XXX. On the application of either party, whether in person or by an authorized vakeel of the Zillah Court, to the Zillah Judge, either to annul, or to carry into execution, the decision of a Village Punchayet, the petition shall be written on stamp paper of the prescribed rate and the parties shall be exempted from all fees and other charges.

Village Moonsiff and members of the Punchayet exempt from summonses.

Exception.

Liable to prosecution for corruption.

XXXI. No Village Moonsiff or member of a Village Punchayet shall be summoned by any court to answer for his conduct on the Punchayet in any suit unless a complaint charging him with corruption be preferred by either party in the suit to the Zillah Court. If the charge be proved he shall be adjudged to pay to the prosecutor a sum not exceeding three times the amount or value of the money or property corruptly received, with all costs of suit.

Punchayet how to proceed cases of inheritance.

XXXII. In all cases of inheritance of, or succession to, landed property, the Village Punchayet shall be guided by the rules prescribed in section XLIV, Regulation I, 1815.

To be guided by Rules referred to on complaints on bonds &ca.

XXXIII. In all cases of parties in suits before Village Punchayets preferring complaints on any obligation, deed, or document, the Punchayet shall be guided by the rules prescribed in section XLV, Regulation I, 1815.

Reports of causes tried and depending to be sent to the District Moonsiff.

XXXIV. Reports of causes tried by and depending before the Village Punchayets shall be transmitted by the Village Moonsiff according to the following forms and at the periods and in the manner prescribed by sections XLVI, XLVII, and XLVIII, Regulation I, 1815.

APPENDIX.

FORM No. 1.

Report of causes decided by Punchayet in the village of in the month of

No.	Names of the parties.	Substance of the suits.	Limited suits, date when preferred.	Unlimited suits, date of the bonds of the parties.	Decree.	Date of the decision.
1	Veerasawmy *vs:* Gopaliah.	99 rupees on bond.	1st ..	..	99 Rupees	10th.
2	Kishen Row *vs:* Vencatasiah.	6 Merasa shares of land paying revenue 200 rupees annual produce.	1st ...	5th	Decreed three shares of 100 rupees annual produce.	13th.
3	Sashiah *vs:* Nursing Row.	Land exempt from rent 100 rupees annual produce.	1st ...	17th	Dismissed. Plaint not proved.	29th.
					Limited suits ... 1 Unlimited suits 2	
					Total ... 3	

FORM No. 2.

Reports of causes before Punchayet in the village of remaining undecided on the

No.	Names of the parties.	Substance of the suits.	Limited suits; date when preferred.	Unlimited suits; date of the bonds of the parties.
1	Abdul Cauder *vs:* Seid Mohomed.	88 rupees rent of Mango trees.	3rd	...
2	Ballajee Row *vs:* Custoor Chetty.	Balance of accounts 500 rupees.	3rd	10th.
				Limited suits ... 1 Unlimited suits ... 2
				Total ... 3

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A. D. 1815. REGULATION III.

A Regulation for reducing into one Regulation the rules which have been passed regarding the Office of Native Commissioners for modifying and extending their respective powers in the trial aud decision of Civil suits and for authorizing them under the designation of District Moonsiffs to discharge certain additional duties throughout the territories subject to the Government of Fort St. George.

Passed by the Governor in Council of Fort St. George

on the

of 1815 corresponding

with the

Preamble.

I. Whereas the rules which have been enacted for constituting the Office of Moonsiffs or Native Commissioners and of Sudder Ameens or Head Commissioners, for the trial and decision of causes of a certain amount have appeared in some instances to require revision and whereas it is expedient with the view of expediting he trial and decision of Civil suits to extend the jurisdiction of the said Moonsiffs and to authorize the Judges of the Zillah Courts to employ them in the execution of certain additional duties and whereas it will contribute to the public convenience to transfer to the Provincial Court the control now exercised by the Sudder Adalet in the appointment and removal of Moonsiffs and to reduce into one Regulation the provisions applicable to the Office of District Moonsiffs, the following rules have been enacted.

Regulations rescinded.

II. Regulation XVI, 1802, such part of section XXIII Regulation XXVIII, 1802 as regards Native Commissioners, section II, and such part of section V, Regulation V, 1808 as regards Native Commissioners, sections IX, X, XI, XII, XIII, XIV, XV, XVI, XVII, XVIII, XIX,XX and XXIII Regulation VII, 1809, Regulation X, 1809 and section IX, Regulation II, 1811 are hereby rescinded.

Commissions to referees and arbitrators to be cancelled.

III. On the receipt of this Regulation, the Zillah Judges shall recall and cancel all Commissions which may have been granted to natives, authorizing them in the capacity of referees and arbitrators only, and not in that of Moonsiffs to hear and determine Civil suits, and the office of referee and arbitrator as a distinct office shall be abolished.

Moonsiffs being referees and arbitrators to determine all depending suits before them.

IV. In cases in which the office of referee and arbitrator is united with that of Moonsiff, such Moonsiff is authorized to hear and determine all causes now depending before him whether in his capacity of Moonsiff, referee or arbitrator.

New establishment of Moonsiffs to be submitted by the Zillah Judges to the Provincial Courts.

And places to be fixed on for the cutcherries.

V. *First.*—The Judges of the several Zillahs shall on the receipt of this Regulation prepare and submit to the Provincial Court a new establishment of District Moonsiffs, whose local jurisdictions shall be so arranged as to include one or more whole Tahsildaries or Police jurisdictions or *vice versa.* They shall at the same time report to the Provincial Courts the name of the town or village in each jurisdiction, which may be best adapted for the establishment of each Moonsiff's cutcherry.

Former sunnuds to Moonsiffs to be cancelled and new ones to be issued to them confirmed by the Provincial Courts.

Second.—When the selection of District Munsiffs for each Zillah and the places in which their respective cutcherries are to be held, shall have been approved by the Provincial Court, the whole of the sunnuds, which may have been formerly granted to Moonsiffs shall be recalled and cancelled and their offices abolished and new sunnuds, drawn up according to the form No. 1 in the appendix to this regulation, shall be furnished to the Moonsiffs appointed under this section.

No person to officiate as District Moonsiff without the sanction of the Provincial Court on the recommendation of the Zillah Judge.

VI. The Zillah Judges shall recommend to the Provincial Courts the persons whom they may deem fit for the office of District Moonsiff; but no person shall be authorized to officiate as a District Moonsiff, without the previous sanction of the Provincial Court, or unless he be of the Hindoo or Mahomedan persuasion.

Mode of proceeding for the removal of Moonsiffs from office.

VII. *First.*—Whenever a Zillah Judge shall see cause for the removal of a Distrial Moonsiff for any misconduct, incapacity, or other disqualification, the Judge shall report the circumstances of the case with his opinion to the Provincial Court, who will pass such order on the report as may appear to be proper, or will call for any additional information which the nature and circumstances of the case may require.

Zillah Judges in certain cases to suspend Moonsiffs from office.

Second.—Whenever a District Moonsiff may be guilty of exaction or of any other gross act of misconduct, the Judge is authorized to suspend him from his office, but in such instances it shall be the duty of the Judge to report the circumstances of the case without delay, for the information and orders of the Provincial Court.

Or to fine them as far as 20 rupees.

Third.—In other cases of misconduct and neglect of duty which may not be of a nature to require either the suspension or dismissal of a District Moonsiff from his office, the Judge is authorized to impose on the Moonsiff a fine not exceeding twenty rupees in amount, and the order of the judge in such cases shall be final.

Moonsiffs to be dismissed only by the Provincial Courts.

Fourth.—No District Moonsiff shall be removed from his office unless the Provincial Court shall be satisfied that there is sufficient cause for his removal.

Moonsiffs may be sued for corruption and are liable to costs and damages.

VIII. *First.*—Moonsiffs shall be liable to an action in the Civil court for corruption in the discharge of their trust or for extortion, or for any oppressive or unwarranted act of authority and upon proof of the charge to the satisfaction of the Judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Moonsiffs liable to criminal prosecution and to fine and imprisonment.

Second.—Moonsiffs shall also be liable to a criminal prosecution for extortion, or other acts of oppression committed by them in the discharge of their duty, and on conviction before the Court of Circuit, shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case; but no Moonsiff shall be liable to be prosecuted for want of form or for error in his proceedings or judgments, nor shall any process be issued against a Moonsiff who may be charged with extortion or any oppressive and unwarranted act of authority unless the Judge shall be previously satisfied by sufficient evidence, that there is reason to believe the charge to be well founded.

Process not to be issued without previous enquiry into the charge.

District Moonsiffs to be furnished with a sunnud.

IX. Every person who may in future be appointed to the office of District Moonsiff shall be furnished by the Judge with a sunnud drawn up according to the form No. 1 of the appendix to this Regulation; and previously to entering upon the duties of his office, he shall take and subscribe an oath according to the form prescribed in No. 2 of the appendix. The judge however is empowered in all cases in which he may deem it expedient to exempt such Moonsiff from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

And to take and subscribe an oath or solemn declaration.

Copy of the sunnud to be affixed in their cutcherries.

X. Whenever a sunnud may be granted to a District Moonsiff under the preceding section, a copy of it under the official seal and signature of the judge shall also be delivered to him, in order that it may remain permanently affixed in some conspicuous place in his cutcherry.

What suits may be tried by District Moonsiffs.

XI. The persons who may be invested with the powers of District Moonsiff under this Regulation, are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions for money or other personal or real property not exceeding in amount or value the sum of two hundred Arcot rupees; for lands exempted from the payment of revenue to Government the annual produce of which shall not exceed twenty Arcot rupees, and for lands paying revenue to Government, the annual produce of which shall not exceed two hundred Arcot rupees.

Prohibited trying suits for damages of any nature without orders.

XII. *First.*—They shall not receive or try any suit for damages on account of personal injuries or for personal damages of any nature without an order of reference to them from the Zillah Court.

Also from trying suits in which certain persons may be parties.

Second.—They are prohibited from hearing, trying or determining any suits in which they themselves or their relatives or dependants, or other persons employed in their cutcheries, may be parties, or in which a British subject or an European foreigner or an American may be a party.

And from admitting persons to sue as paupers.

Third.—They are further prohibited from receiving or trying any suits, which persons may desire to prefer to them *in formâ pauperis.*

Suits to be tried by the Moonsiffs themselves and under what rules.

XIII. District Moonsiffs are themselves to investigate the suits cognizable by them in a public cutcherry, or court room, and are not to allow their officers, servants, or dependants,or any other person to interfere therein. In receiving, trying and determining suits they shall be guided by the rules prescribed in the following sections, and in points not expressly provided for in this Regulation, they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the Zillah Courts in the trial and decision of Civil suits.

What Persons may act as vakeels in the Moonsiff's Courts

XIV. *First.*—No person shall be allowed to act as a vakeel in the court of any District Moonsiff for plaintiffs or defendants unless he be a relative, servant, or dependant of the person, for whom he may be appointed to act and unless he be provided with a Vakalutnamah.

Former sunnuds to vakeels in cases specified to be recalled.

Second.—The Zillah Judges shall recall and cancel all sunnuds granted to vakeels under section XVII, Regulation VII, 1809.

District Moonsiffs not to try any suit of more than 12 years standing from the commencement of the suit. Exception.

XV. The District Moonsiffs shall not try any suit in which the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, unless the plaintiff can prove that he preferred his claim to a competent authority or that the defendant had admitted the truth of it within that period.

Rules to be observed on the rate of interest.

XVI. With respect to the rate of interest the District Moonsiff shall be guided in his proceedings by the rules enacted in Regulation XXXIV, 1802, a copy of which shall be lodged in his cutcherry.

Fees to be levied on suits preferred to the District Moonsiffs.

XVII. *First.*—The District Moonsiffs shall levy from the plaintiff on every suit which may be preferred to them in the first instance a fee of one anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

No suit to be received until the fees be paid.

Second.—They shall not receive any such suits until the prescribed fees shall have been paid.

The payment to be endorsed on the petition.

Third.—They shall endorse on the back of the petition the amount of the fee and the date of the receipt and sign the endorsement.

What matters are to be stated in the plaint.

XVIII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total sum of money or amount of personal or real property claimed and all material circumstances which may elucidate the transaction and may tend to bring the matter in dispute to a distinct issue.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

And to be inserted in a Register Book.

The Zillah Judge to inspect the register once yearly.

XIX. It shall be the duty of the District Moonsiff to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered, and dated in the order in which it may be received by the Moonsiff, and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, shall be carefully entered in a book to be kept by the Moonsiff according to the form No. 3 of the appendix,; two blank columns shall be left in the book in the first of which shall be inserted the date of the decision and an abstract of the final order passed in each suit, shewing whether the claim be decreed in whole or in part, or non-suited or adjusted by Rajeenamah or dismissed on investigation of the merits, or otherwise disposed of, and the amount of the costs adjudged against either or both of the parties. In the second blank column shall be inserted, the date on which the copies of the decrees may be furnished or tendered to the parties with a view to ascertain that the register books are regularly kept in the manner above prescribed and that depending suits are brought to a hearing according to their order on the file, the Zillah Judges are respectively required to inspect them once at least in each year, and for this purpose shall require the several District Moonsiffs to transmit them to the court during the period of the vacation or, at any other time as may be most convenient.

What notice to be served on the defendant.

XX. *First.*—When the complaint shall have been thus received and entered in the book according to the prescribed form, the District Moonsiff shall cause to be served on the defendant a written notice under his seal and signature containing only the number of the suit, the names of the parties, and a short statement of the demands and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day, which must be specified in the notice.

To whom the notice is to be delivered.

Second—The District Moonsiff shall deliver the notice to the plaintiff or to his vakeel and the plaintiff may either himself serve the notice on the defendant or through any other person whom he may choose to employ for that purpose provided however that the name of the person intended to be employed in this duty be in all cases endorsed on the notice by the District Moonsiff previously to its being delivered to the plaintiff or his vakeel for execution.

And how it is to be served.

Third.—The person through whom this notice may be served, shall require from the defendant a written acknowledgment, to be endorsed on the back of the notice, signifying that it has been duly served upon him.

Notice how to be served on weavers and persons employed in the manufacture of salt.

XXI. When the defendant may be a weaver or a person employed in the provision of the Company's investment under the Commercial Residents or in the provision of salt, the notice above prescribed shall be enclosed within a sealed cover addressed to the resident or agent or to the assistant, or to the gomasta, ameen or head officer of the nearest station subordinate to them and shall be subscribed with the official seal and signature of the District Moonsiff. The resident or agent, or his assistant or head native officer, shall cause the notice to be duly served and acknowledged by the defendant and shall then return it to the District Moonsiff.

XXII. If a defendant who may have been served with a notice as directed in the two preceding sections, shall not appear in person or by vakeel within the time specified. or if having appeared he shall refuse to answer the plaint, the District Moonsiff shall proceed to try the cause *exparte*, first satisfying his mind that the notice was duly served on the defendant and after examining the plaintiff's evidence in support of his claim, the District Moonsiff shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

Under certain circumstances the cause to be tried *exparte*.

XXIII. *First.*—In cases in which a defendant to whom a notice may have been issued in conformity with the preceding sections, may abscond or conceal himself, or cannot after diligent search be found or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process shall certify the same on the back of the notice, and shall require some person or persons being neighbours of the defendant to certify on the back of the process, that after diligent search the defendant cannot be found, or that he has refused to give the required written acknowledgment.

The absence of the defendant or his refusal to acknowledge the service how to be certified.

Second.—When a return to this effect is made the District Moocsiff shall cause a proclamation written in the current language and character of the country to be affixed in a conspicuous part of his own cutcherry and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it. The proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person or by vakeel, within the period of fifteen days from te date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

In such cases proclamation to be issued.

What it shall contain.

Third.—If the defendant shall still not appear either in person or by vakeel, the District Moonsiff on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit *exparte* as is prescribed in section XXII of this Regulation.

If the defendant do not attend within the time limited in the proclamation the suit is to be tried *exparte*.

XXIV. In suits depending before them the District Moonsiffs are hereby strictly prohibited from requiring security of any kind from the defendants; if the Moonsiff shall be satisfied by sufficient proof that the defendant intends to abscond and withdraw himself from the jurisdiction of the court or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the District Moonsiff is hereby empowered to attach the defendant's property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Moonsiffs prohibited requiring security from defendants, empowered in certain cases to attach their property to the amount of the claim.

XXV. When the defendant shall attend either in person or by vakeel within the period limited in the notice or proclamation or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Defendant to file an answer to the plaint any time before the plaintiff's evidence be received.

XXVI. It shall be the duty of the District Moonsiffs to restrain and discourage as much as possible the insertion in the answer of any matter evidently irrelevant to the suit. But the defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Moonsiffs to prevent the insertion in the answer of irrelevant matter.

No further pleadings admitted.

XXVII. The District Moonsiffs shall try all suits depending before them in the order in which they have been filed or numbered provided however that the Zillah Judge be at all times authorized either upon a report from the Moonsiff, or upon other grounds of information to direct the Moonsiff to bring any particular suit or suits to a hearing and determination without attending to the regular order of the file.

Suits to be tried according to their order on the file.

Proviso.

XXVIII. *First.*—In cases in which the answer shall have been filed and the parties or either of them shall fail to appear in person or by vakeel at the time when the suit is first called over for trial, the District Moonsiff shall suspend the trial and shall affix in some conspicuous place in his cutcherry a notice that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the District Moonsiff in person or by a vakeel duly authorized within the limited time, the District Moonsiff shall dismiss his claim; if the defendant shall not so appear by the prescribed time the District Moonsiff shall proceed to try the cause *exparte*.

Notice to be affixed in the cutcherry if the parties are absent on the day fixed for the trial.

Mode of proceedings if either party still fail to attend.

Second.—Provided however that if the suit be dismissed without an investigation of the merits and either of the parties shall appeal from the decision of the Moonsiff, it shall be the duty of the court trying the appeal to determine the case on its merits, or to remand it back to the Moonsiff by whom it was dismissed or to any other competent authority for a further investigation.

Proviso for cases which may be dismissed without an investigation of the merits.

XXIX. The District Moonsiffs are to try the suits depending before them by hearing the pleadings of parties, by examining their documents and by taking the deposition of their witnesses in the presence of the parties or of their vakeels duly constituted. They may also examine the truth of the claim by the oaths of the parties if they mutually consent to that mode of examination.

Rules for the trial of suits depending before the Moonsiffs.

XXX. *First.*—If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the Moonsiff and such witnesses shall not attend at the requisition of the parties, the District Moonsiff is authorized to summon as witnesses any persons subject to his jurisdiction excepting women whose rank or caste may be such as to render it improper to require their appearance in public; when the evidence of such women is necessary, it is to be taken in the mode prescribed in clause third, section XXIV, Regulation I, 1815.

Moonsiffs authorized to summon witnesses who may not attend on the requisition of the parties.

Exception.

Second.—The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses and shall require them to appear at the cutcherry of the District Moonsiff on a specific day and there to depose concerning the matter in dispute between the parties.

What the summons shall contain.

Third.—The District Moonsiff shall deliver the summons to the party applying for it or to his authorized vakeel and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose, provided however that the name of the person intended to be employed in this duty be in all cases notified to the Moonsiff and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode in which the summons shall be served.

XXXI. If any individual whose evidence is required shall be a person employed in the provision of the Company's investment under the Commercial Residents or in the provision of salt under the Agents of Government, the summons shall be served in the same manner as is prescribed in section XXI of this Regulation respecting the issue of notice to a defendant.

Mode of summoning weavers and manufacturers of salt.

XXXII. *First.*—If any person upon whom a summons may have been duly served in the manner above prescribed shall not attend on the day appointed, the Moonsiff is authorized to attach any property belonging to such person which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment, the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence that the testimony of such person is material to the cause, the Moonsiff shall report the circumstances of the case to the Judge, who will exercise his discretion in issuing such further process in order to compel the appearance of the witness before the Moonsiff as might be issued under the Regulations if the suit were depending before the Judge.

The property of witnesses who may not attend on being duly summoned to be attached.

Moonsiffs how to proceed, if they still do not attend.

Further process to be issued by the Judge.

Second.—If notwithstanding this further process, the attendance of the witness cannot be obtained, the Judge shall, at his discretion, impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized by the Moonsiff under the provisions in force for the execution of decrees by this Regulation.

If such process be insufficient, witness to be fined.

How to be levied.

Third.—In cases in which a witness duly summoned may attend before the Moonsiff, but shall refuse to give his evidence or to subscribe his deposition, the Moonsiff shall impose such fine upon him as may appear proper. The Moonsiff is however strictly prohibited from realizing such fine by his own authority, without first reporting the circumstances of the case to the Judge, who will either remit, or modify or confirm the fine imposed by the Moonsiff, who will proceed to realize it if confirmed as is prescribed in the preceding clause.

Refusing witnesses to be fined by the Moonsiffs.

The cases to be reported to the Judge.

How the Judge is to proceed on receiving such report.

XXXIII. *First.*—If any District Moonsiff shall require the evidence of a person not subject to his jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsiff shall make application to the Zillah Judge, who will issue the necessary process for procuring his attendance, either through the proper officers of his own court, or through the Judge or the Moonsiff within whose jurisdiction such person may reside.

Witnesses residing in other jurisdictions how to be summoned.

Second.—If however the residence of a witness shall be at a considerable distance from the District Moonsiff's cutcherry, or if other circumstances should render it inconvenient or improper to compel the personal attendance of any witness, the Moonsift is hereby authorized and required to transmit to the Judge any written interrogatories which he may think necessary, or which may be suggested by the parties or their vakeels in the suit; on receipt of such written interrogatories, the Judge will proceed to obtain the evidence of the witness in the mode prescribed in the preceding clause.

Cases in which evidence may be taken on written interrogatories.

Third.—The Moonsiffs are enjoined to take the depositions of witnesses attending before them with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

Witnesses not to be detained longer than may be necessary.

XXXIV. The District Moonsiffs (when they deem it necessary) shall administer to witnesses such oaths as may be considered most binding on their consciences according to their respective religious persuasions. But if the witness shall be of a rank which according to the prejudices of the country would render it improper to compel him to take an oath, the Moonsiff may dispense with his being sworn; and in lieu thereof cause him to subscribe a solemn declaration under the rules prescribed in section VII, Regulation III, 1802

The evidence of witnesses to be taken on oath when necessary,

or on a solemn declaration.

XXXV. The District Moonsiffs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit or their respective vakeels, may agree to such witness being so examined.

The declaration may be dispensed with by the consent of the parties.

XXXVI. In the examination of witnesses, the Moonsiffs are enjoined to prevent the parties and their vakeels or agents from instructing or intimidating the witnesses, or from putting to them questions suggesting a particular answer; questions also with regard to the personal character of the parties, or on points evidently irrelevant to the matter in dispute, are to be avoided as much as possible.

Witnesses are not to be instructed or intimidated; irrelevant questions are to be avoided.

XXXVII. *First.*—The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband) the religion, caste, profession, age, and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

What is to be contained in the deposition of a witness and how it is to be attested.

Second.—The District Moonsiff shall not examine more than four witnesses on each side, except in particular cases where they may deem further evidence absolutely necessary.

Limitation of witnesses to be examined. Exception.

XXXVIII. *First.*—No fees shall be levied on exhibits filed before the District Moonsiffs, and exhibits shall be received in suits depending before them without any written application for that purpose. The Moonsiffs are prohibited from admitting or filing as an exhibit, or from receiving in evidence, any obligation, instrument, bond, deed, or document, whether it be the original, or a copy of a description which is or may be required to be written on stampt paper or stampt cadjan unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

Exhibits in suits before Moonsiffs not liable to fees or stamp duties

But no exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

Second.—Copies of all Regulations in force on stamp paper and stamp cadjans shall be furnished by the Zillah Judges to every District Moonsiff in their respective Zillahs for their guidance.

Copies of Regulations in force on stamp paper or cadjans to be furnished to the District Moonsiffs.

Third.—When an exhibit is filed in a suit before the District Moonsiff, it shall be dated and signed or sealed by him, and shall be marked with some letter or number to identify it and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses, or of the proceedings, or of the decree, as may allude to such exhibit.

Exhibits to be dated, signed, marked, and referred to in the preceedings.

XXXIX. When the parties have been heard, and the exhibits received and considered, and the witnesses on both sides examined, the District Moonsiff shall give judgment, according to justice and right.

The decision is to be passed after consideration of the pleadings, exhibits and evidence.

XL. The decree shall specify the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read; it shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and the reasons on which the decision may be passed. It shall state specifically the sum of money, or the value or amount of personal or real property adjudged, and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the District Moonsiff to be litigious and vexatious he shall adjudge suitable costs and damages against the plaintiff and insert the same in the mode above directed in the decree.

What shall be contained in the decree.

Costs and damages to be awarded in suits litigious or vexatious.

Two copies of the decree to be tendered to the parties; the date of the tender or the cause of the non delivery to be certified by the Moonsiff on the back of the copies.

XLI. *First.*—When the decision shall have been thus passed, the District Moonsiff shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall, within one week after the date of the decree, tender the said copies in open cutcherry both to the plaintiff and defendant or to their vakeels respectively; he shall endorse on the back of the said copies, the date on which they may be tendered to the parties in open cutcherry and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Penalty for falsifying the date and purport of the endorsement and for keeping back copies of the decree from either of the parties.

Second.—Any District Moonsiff who may be guilty of wilfully misstating, or falsifying, or of causing to be misstated or falsified, the date and purport of the endorsement above directed to be written on the copies of the decrees or of keeping back such copies of decrees from either of the parties with the view of opposing a bar to their right of appeal, shall, on proof thereof to the satisfaction of the Provincial Court, be liable to dismission from office and to such discretionary fine to Government as may be deemed proper by that court.

Stamp paper not required in the proceedings in any suit before Moonsiffs.

XLII. The copies of decrees above directed to be tendered to the parties by the District Moonsiffs shall not be written on stampt paper, nor are the plaint, answer or any part of the proceedings of any suit before the District Moonsiff required to be written on stampt paper.

Moonsiffs may fine parties, vakeels or witnesses for disrespect.

XLIII. If a party, vakeel, or witness in any depending suit shall be guilty of disrespect to the District Moonsiff in open court, the Moonsiff is empowered to impose a fine not exceeding one rupee on the party, vakeel, or witness so offending.

Monthly reports of suits decided to be sent to the Zillah Judge.

XLIV. *First.*—The District Moonsiffs shall transmit to the judge on or before the 15th of each month, a report of all the suits decided by them in the preceeding month, drawn up according to the annexed form No. 4 of the appendix. These reports shall be accompanied by all the original papers and documents in the case, that they may be deposited among the records of the court.

Half yearly reports of depending suits to be sent to the Zillah Judge.

Second.—The District Moonsiffs shall likewise transmit on or before the 15th of January and 15th of July of each year a report of the causes depending before them on the 1st of January and 1st of July drawn out according to the annexed form No. 5 of the appendix.

Both reports to be in a sealed cover.

The packet how to be forwarded.

Third.—The required monthly and half-yearly reports shall be enclosed in a cover addressed to the Zillah Judge, and sealed with the seal of the District Moonsiff. The packet shall be forwarded to the Judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the Moonsiff, or the Moonsiff may deliver it to the nearest Police officer who shall give a receipt for it, and convey it to the Judge.

The District Moonsiff empowered to enforce his decrees.

XLV. The District Moonsiff shall have authority to carry all his decrees into execution.

No appeal allowed under a certain amount.

XLVI. There shall be no appeal from the decision of a District Moonsiff, unless the amount or value of the property decreed or disallowed exceed ten Arcot rupees as calculated in section VII, Regulation 1, 1815.

Mode of proceeding where an appeal may have been admitted.

XLVII. If the suit shall have been regularly appealed, the execution of the District Moonsiff's decree shall be suspended or otherwise according to the orders he may receive from the Zillah Judge.

Mode of obtaining the execution of decrees passed by the District Moonsiff.

XLVIII. *First.*—Whenever a party who may have obtained a decree in the court of a District Moonsiff shall be desirous of having it enforced, he shall present a petition to the Moonsiff either in person or through his vakeel; it shall state the number of the suit, the names of the parties, the date of the decision, and the total sum which may have been adjudged to the petitioner, either on account of the original claim or of costs of suit; the petition shall further state whether an appeal has or has not been admitted from the Moonsiff's decision.

If the periods limited for the execution of decrees shall have elapsed the party to be referred to a new suit.

Second.—If the petition for the execution of a District Moonsiff's decree shall not be presented within 12 months from the date of the decree and no satisfactory cause shall be shewn for the delay, such decree shall not be executed, but the party shall be allowed to institute a new suit in the Zillah Court; in the trial of such suits, the defendant shall not be allowed to impugn the merits of the original judgment, passed by the

District Moonsiff, unless the suit shall have been tried *exparte* in the first instance; but he may shew that the amount originally decreed, or any part of it, has been subsequently paid, or that the matter in dispute has been adjusted by the parties since the date of the original judgment.

What may be pleaded by the defendant in such suit.

XLIX. In cases not appealable and in cases appealable, but which have not been appealed, the District Moonsiff shall on the petition of the party within the prescribed time in whose favour the decree has been passed, cause his decree to be executed, if it be for real property by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed to be levied by the public sale by auction of a sufficient portion, or, if requisite for the satisfaction of the decree, the whole of the lands, houses, and all effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or when it may be necessary, both by the sale of his property and effects, and the attachment of his person.

In cases stated, the Moonsiff to enforce his decrees.

Process to be observed.

L. On the attachment of the person of any party in satisfaction of a decree, the District Moonsiff shall send him within twenty-four hours from the time of such attachment under proper charge to the Zillah Judge, to be confined in the Zillah Jail; he shall as soon after as possible send to the Zillah Judge a statement of the amount levied by the [sale] of his effects and of the balance still due by him.

Persons secured in satisfaction of decrees to be sent to the Zillah Judge.

LI. *First.*—The District Moonsiff shall keep registers of all sales by auction in satisfaction of decrees of which they shall give fifteen days previous written notice to be affixed at their cutcherries, and at some conspicuous place in the village, where the property to be sold may be under attachment.

Registers of sales in satisfaction of decrees to be kept.

Second.—The Register shall specify the day of sale, the particulars of property sold, its amount, the name of the purchaser and his residence.

What to specify.

Third.—Resistance to the sale shall be considered as a breach of the peace and liable to the same punishment.

Resistance to the sale to be considered a breach of the peace.

LII. The District Moonsiffs shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales, and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of Village Punchayets according to the limitations prescribed in clause second, section XXVIII, Regulation II, 1815.

The District Moonsiffs to receive a fee on sales.

LIII. The District Moonsiffs shall be authorized to realize the amount of fines which may be imposed by them by the attachment and sale, if necessary, of the property of the offending party.

Fines how to be realized.

LIV. All fines levied by the District Moonsiff with those sent to him by the Village Moonsiff in the course of the month shall be sent by him at the beginning of the following month to the Zillah Judge with separate lists.

All fines to be sent to the Zillah Judge.

LV. *First.*—In appealable suits any person dissatisfied with the decision of a district Moonsiff, shall be at liberty to appeal from it to the Zillah Judge, provided the petition of appeal be on stampt paper and presented with the institution fee thereon within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels in conformity with section XLI of this Regulation; a discretionary power however is vested in the Judge of admitting appeals from decisions of the District Moonsiffs although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Mode of admitting appeals from decisions of District Moonsiffs.

Second.—All petitions of appeal from decisions of the District Moonsiffs are to be presented to the Judge of the Zillah in which the Moonsiffs may officiate and the Moonsiffs are prohibited from receiving any petitions of appeal from their own decisions. The decisions of the Judge on all such appeals shall be final.

Petitions of appeal to be presented to the Zillah Judge.

The decision thereon final.

Third.—All petitions of appeal from decisions of District Moonsiffs are to be presented by the appellant in person, or by one of the authorized vakeels of the Zillah Court; and if the appeal shall be admitted and the appellant and the respondent shall not plead their cause in person their respective vakeels are to be allowed the same fees as in other suits tried before the Judge.

How such petitions are to be presented.

Fourth.—Decisions of the District Moonsiffs are not to be set aside for want of form or for irregularity in their proceedings, but on the merits only.

Decisions of Moonsiffs not to be set aside for want of form.

In what cases the Judge may suspend the execution of the decrees by Moonsiffs from which appeal may be admitted.

Fifth.—When an appeal may be received from the decision of a District Moonsiff, the Zillah Judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security within a reasonable period to be fixed by the Judge to perform the decree of the court.

Suits depending before Moonsiffs may be tried by the Judge or referred for trial to other tribunals.

LVI. The Zillah Judges may, for any reason that may appear to them sufficient, bring up for trial before them, or their Registers, or the Sudder Ameens any causes that may be depending before the District Moonsiffs.

When a vacancy may occur in the office of Moonsiff, the Judge to nominate a successor.

LVII. Upon the death, removal, or resignation of any District Moonsiff, the Zillah Judge shall, if necessary, immediately nominate another person in his room for the approbation of the Provincial Court, and shall cause all papers in the causes depending before the late Moonsiff to be delivered over to his successor or otherwise to be disposed of as circumstances may require.

Zillah Judges may refer suits of an amount stated for decision to the district Moonsiffs.

LVIII. *First.*—The Zillah Judges may refer any plaint received by them for trial and decision to any District Moonsiff within their respective Zillahs whether for real or personal property the amount of which shall not exceed two hundred Arcot rupees as calculated in section XI of this Regulation.

Rules to be observed in the trial.

Second.—In the trial of such suits the District Moonsiffs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as District Moonsiffs.

The District Moonsiff authorized to act as Arbitrator.

LIX. *First.*—The District Moonsiff is authorized to hear and determine all suits which may be voluntarily referred to his decision by both parties, whether for real or personal property not exceeding the value of two hundred Arcot rupees, as calculated in section XI of this Regulation.

Parties to give a bond to abide by the award.

Second.—He shall receive from the parties a bond under their signatures attested by two credible witnesses agreeing to abide by his decision.

Rules to be observed in the trial.

Third.—In his proceedings in such cases he shall be guided by the same rules as have been prescribed for his conduct in trying suits of his own authority as District Moonsiff.

Decisions in such cases not to be set aside.

Exception.

Fourth.—The District Moonsiff's decisions in such cases shall not be set aside by the Zillah Judge except at the instance of either party for corruption or gross partiality proved to the full satisfaction of the Zillah Judge by the oath of two credible witnesses.

An institution fee to be levied on such suits.

Fifth.—The District Moonsiff shall in such cases receive from the parties an institution fee of one anna per rupee on the amount or value of the property in dispute to be paid by them in the proportion of half each; the party cast shall pay the whole.

The institution fee on suits to be paid to the Moonsiffs.

On decisions on the merits & Razeenamahs.

If insufficient, salary to be allowed.

LX. *First.*—As a compensation to the District Moonsiffs for their trouble, and for the expense of such establishment as may be necessary for the discharge of their official duties, on their passing a decision upon the merits of any suit before them, or upon any suit depending before them being adjusted by Razeenamahs of the parties and in these two cases only they shall receive from the Zillah Judge, the fee of one anna per rupee paid on the institution of such suit; if in any instance, this allowance shall be found insufficient for the above purpose, the Governor in Council will sanction such salary in addition thereto as may appear requisite for the encouragement of well qualified persons to hold the office of District Moonsiffs and to perform the duties of it with diligence and fidelity.

The institution fees received to be sent monthly to the Judge with a statement thereof.

Credit to be given for the same and payment to be made on inspection of the monthly reports.

Second.—District Moonsiffs shall from the month succeeding the receipt of this Regulation, transmit to the Zillah Judge along with the monthly reports required by this Regulation, an exact monthly statement of all sums levied and received by them on account of the institution fee, upon all suits instituted before them and shall at the same time remit the amount of the fees so received by them in the preceding month, the Zillah Judges shall credit in their public accounts, the whole of the institution fees so remitted to them and on inspection of the monthly report of causes decided by the Moonsiffs, shall pay to them the amount of the institution fee authorized by the preceding clause.

Moonsiffs may be employed in giving possession of real property under decrees.

LXI. *First.*—The Zillah Judges are authorized to employ the Moonsiffs in delivering over formal possession of lands, houses, or other real property in conformity with decrees regular or summary.

Second.—Previously however to issuing any instructions to a Moonsiff for the performance of any of the duties described in this section, the judges shall require either the plaintiff or the defendant according to the circumstances of the case, to pay into Court such a sum of money as may be an adequate remuneration to the District Moonsiff for his trouble, provided such sum do not exceed the probable expense which would be incurred if an Ameen or a native officer of the court were employed in the execution of the same duty.

How to be remunerated in such cases.

Third.—The District Moonsiff shall be entitled to receive such sum as may have been paid into court under the preceding clause except under circumstances, in which he may appear to have performed the duty entrusted to him in a negligent, unjust or improper manner; in such cases the said sum of money shall be returned to the party who deposited it in court.

Such remuneration to be forfeited if guilty of misconduct in such duty.

LXII. The District Moonsiffs may be employed at the discretion of the Zillah Judges in the attachment and sale of personal or real property for the purpose of realizing the amount of fines imposed by the Judge, Register, or Sudder Ameens, or of decrees regular or summary passed by the Zillah Judge, Register, Sudder Ameens, or Village and District Punchayets, and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

Moonsiffs may be employed to sell personal or real property and to receive a commission on such sales.

LXIII. *First.*—In all cases of inheritance of or succession to landed property, the Mahomedan laws with respect to Mahomedans and the Hindoo laws with regard to Hindoos are to regulate the decision and the District Moonsiffs in all such cases are to obtain an exposition of the law from the Law Officers of the Zillah Court, to whom they are to transmit a written abstract of the case for the purpose; such exposition however is not to preclude a further reference to the Law Officers of the Zillah Courts upon such points of law as may arise upon the cause in the event of its being tried in appeal.

By what laws the decisions of Moonsiffs are to be regulated.

Exposition of the law how to be obtained.

Second.—In all suits relative to the inheritance of or succession to landed property, the Moonsiffs are to affix in some conspicuous part of their cutcherries a written notification of the claim preferred with a requisition to all persons who may have any claim to the property sued for to prefer the same within a limited period and their decisions are to include all claimants to the property in question, who according to the law of the parties, whether Musulmans or Hindoos, have a just and legal title to share therein.

Notification to be issued in suits relative to the inheritance of or succession to landed property.

And all claimants to be included in the decision.

APPENDIX.

No. 1.

Form of Sunnud to be granted to persons appointed to the office of District Moonsiff.

I, AB, Judge of the Zillah of . . . . do hereby appoint you CD. to the Office of District Moonsiff of . . . you are to hold your cutcherry at . . . and are to affix this sunnud or a copy of it duly authenticated in some conspicuous place in the cutcherry. Under the rules now in force, you will receive the remuneration to which you may be entitled for the trial and decision of suits. You shall not receive any valuable consideration from any parties or other persons on account of the institution or trial, the proceedings, process or decisions of any suit before you, except the institution fee. You are to hear and determine all suits cognizable by you and to execute all other duties entrusted to you in your capacity of District Moonsiff in strict conformity with the rules prescribed in the Regulations now in force or which may hereafter be enacted.

No. 2.

Form of oath to be administered to persons appointed to the office of District Moonsiff.

I, AB, appointed to the office of District Moonsiff of . . . do solemnly swear that in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment without partiality, favour or affection, that I will not directly or indirectly receive or knowingly allow any other person to receive any money, effects, or property on account of any suit that may come before me for decision or on account of any public duty which I may have to execute, I will strictly adhere to all the rules prescribed for my guidance and I will in all respects truly and faithfully execute the trust reposed in me.

No. 3.

Form of a Register Book of suits instituted before Moonsiffs.

Number of the suit.	Date of its institution or reference.	Names of the parties.	Amount and subject of claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.	Amount of institution fee.
1	2nd of Feb. 1815.	Ramachund paul *vs.* Pancho Gope.	Debt or Bond 37 rupees.	20th March 1815; decreed in favor of the plaintiff 33 rupees original and 2 rupees interest, defendant to pay costs 4 rupees 6 annas. Total 39 rupees 4 annas.	24th March 1815; one copy furnished to the plaintiff himself and another to the vakeel of the defendant.	
2	Do.	Khodabuksh *vs.* Meirum.	Debt of 7 rupees for value of rice furnished to defendant.	Adjusted by Razeenamah, 10th of February 1815.	......	
3	3rd of Feb. 1815.	Poorunsingh *vs.* Mohenchassa.	Arrears of rent 14 rupees.	April 1st; decreed for 7 rupees, parties to pay their own costs.	April 7th; plaintiff absent, copy of the decree furnished to the defendant.	

No. 4.

Form of Report of causes decided by......................Moonsiff of......................in the month of...

Number.	Names of the parties.	Substance of the suit.	Date when preferred.	Date of reference.	Date of arbitration bond.	Abstract of the decree.	Date of the decree.	Amount of institution fee.
1	Veerasawmy *vs.* Ramasawmy.	150 rupees claimed on bond.	1st	...	...	Decreed 100 rupees with 9 rupees 6 annas costs.	15th	
2	Nunjapah *vs.* Lutchmun sing.	200 rupees value of paddy.	...	2nd	...	Decreed 190 rupees with 12 rupees 8 annas costs.	20th	
3	Venkatasa *vs.* Govindoo.	Land paying revenue to Government of 160 rupees annual produce.	...	...	14th	Decreed the land to plaintiff with 10 rupees costs.	27th	
4	Davony *vs.* Ammoo.	Land exempt from paying Revenue 15 rupees annual produce.	...	4th	...	Plaintiff files a Razeenamah.	30th	Preferred suits ... 1 Referred suits .. ... 2 Arbitration suits ... 1 Total ... 4

No. 5.

Form of Half yearly Report of causes depending before...................................Moonsiff of.................................on the..

Number.	Names of the parties.	Substance of the suit.	Date when preferred.	Date of reference.	Date of arbitration bond.	Appeal suits.
1	Nallapah *vs.* Vadagery.	Land exempt from paying Revenue to Government of 10 rupees annual produce.	3rd ...	...	...	
2	Mahommed *vs.* Narasojee.	150 rupees balance of accounts.	...	5th ...	...	
3	Camachy *vs.* Nullamootoo.	185 rupees value of silver ornaments.	...	...	7th ...	
4	Ramah *vs.* Kistnah.	8 rupees value of a bullock sold.	...	...	10th ...	Preferred suits ... ... 1 Referred suit ... ... 1 Arbitration suits ... 1 Appeal suits ... ... 1 Total ... 4

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A.D. 1815. REGULATION IV.

A Regulation for authorizing District Moonsiffs to try by Punchayet within their respective jurisdictions, Civil suits for real and personal property in certain cases to a limited amount and in other cases without limitation, throughout the territories subject to the Government of Fort St. George.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

Preamble.

I. It being deemed expedient to promote the decision, not only of petty suits, but of suits of every description, and it being necessary for this purpose to call into operation the ancient institution of trial by Punchayet, and it being desirable to render the principal and more intelligent inhabitants, as well as the Heads of villages, useful and respectable by employing them in administering justice to their neighbours, the following rules have been enacted.

District Moonsiffs authorized to summon Punchayets.

II. Every District Moonsiff shall by virtue of his office be authorized to summon Punchayets within his district.

Prohibited from trying suits for damages without a reference from the Zillah Court.

III. He shall not receive or cause to be tried by Punchayet any suit for damages on account of personal injuries or for personal damages of any nature without an order of reference to him from the Zillah Court.

Amount of suits specified to be tried by Punchayet where one party agrees, tho' the other may not.

IV. *First.*—The District Moonsiff shall be authorized to cause to be tried by Punchayet within his jurisdiction all suits for real or personal property not exceeding the value of two hundred Arcot rupees as calculated in section XI, Regulation III, 1815, where one of the parties (whether plaintiff or defendant) shall prefer to him a written request that the suit may be tried by a Punchayet, even tho' the other may not agree to the mode of trial.

Institution fee to be levied.

Second.—The District Moonsiff shall levy from the party requiring the Punchayet a fee of half an anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

Such amount extended without limitation when both parties request a Punchayet.

V. *First.*—The District Moonsiff shall also be authorized to cause to be tried by Punchayet without appeal, all original suits whether for real or personal property without limitation as to amount, in which both parties being inhabitants of his own or of a different district voluntarily prefer to him a written request that their suit may be referred to a Punchayet; or in which one party having preferred such request, the other being an inhabitant of his district, on being summoned, shall voluntarily give a bond to the District Moonsiff agreeing to this mode of trial.

Institution fee to be levied.

Second.—The District Moonsiff shall in such cases receive from the parties an institution fee on the amount or value of the property which constitutes the subject of dispute according to the following rates on sums not exceeding one hundred Arcot rupees, one rupee; on sums above one hundred, but not exceeding two hundred Arcot rupees, two rupees; on sums above two hundred, but not exceeding three hundred rupees, three rupees; and at the same rate progressively for all sums whatever the amount may be, half of the amount of such institution fee shall be paid by each party respectively; and the whole shall be finally paid by the party cast.

Vakeels to be relatives, servants or dependants.

VI. No person shall be allowed to act as a vakeel before any District Punchayet for plaintiffs or defendants unless he be a relative, servant or dependant of the person for whom he is appointed to act and unless he be provided with a Vakalutnamah.

Moonsiff authorized to fine any inhabitant who may refuse to act on a Punchayet.

VII. All persons by the ancient usage of the country being bound to act as members of Punchayet, the District Moonsiff shall have authority to fine any inhabitant of his District who may refuse to act to the amount of ten Arcot rupees to be levied if necessary by the attachment and sale of his property as is prescribed in section LIII, Regulation III, 1815.

The District Punchayet to be assembled on written summons.

VIII. *First.*—The District Punchayet shall be assembled by the written summons of the District Moonsiff.

The Members to be taken in rotation.

Second.—The Members of the Punchayet shall be taken in rotation as far as it may be practicable from a list of the most respectable inhabitants of all the villages within his jurisdiction.

To sit at the station of the District Moonsiff.

Third.—The District Punchayet shall sit at the station where the District Moonsiff's Court is held.

Their proceedings to be written by one or more members: stampt papers not required.

Fourth.—All the proceedings of the District Punchayet shall be written by one or more of the members and no stampt paper need be used in plaint, answer, or any process.

IX. When it may be necessary to have recourse to a District Punchayet, it shall be formed as prescribed in section IX, Regulation II, 1815.

The Punchayet how to be formed.

X. The District Moonsiff shall, at the requisition of the District Punchayet, summon the witnesses whose testimony may be required; but the summonses of the District Moonsiff to parties and witnesses shall be in writing.

The Moonsiff to summon parties and witnesses in writing.

XI. *First.*—On an application from one party for a District Punchayet in the case specified in section IV of the Regulation, the District Moonsiff shall cause to be served on the defendant a written notice to that effect as is prescribed in clauses second and third sections XX, and XXI, Regulation III, 1815 and shall require the defendant to appear in person or by vakeel on or before a certain day which must be specified in the notice.

On application for a Punchayet the opposite party to be summoned.

Second.—If a defendant who may have been served with a notice as directed shall not appear in person or by vakeel within the time specified, or if having appeared, he shall refuse to answer the plaint before the Punchayet to whom the suit shall be referred, it shall be tried and decided on the exhibits and evidence of the Plaintiff, under the provisions applicable to the case by this Regulation.

If he shall not appear, or appearing refuse to answer, the suit to be tried *exparte*.

Third. In cases in which a defendant may abscond, or conceal himself, or cannot, after diligent search be found, the District Moonsiff, and District Punchayet shall proceed as directed in section XXIII, Regulation III, 1815.

Process to be observed if he abscond or cannot be found.

XII. When in consequence of the prescribed applications from one or both parties as the case may be, the Punchayet shall have been formed and both parties shall attend, if the case is of the nature stated in section V of this Regulation, the District Punchayet shall take from each of the parties a bond recapitulating the names of the Punchayet and binding himself to abide by their decision; but if the case is of the nature stated in section IV, no such bond shall be required.

On both parties attending cases stated in which bonds are and are not to be taken from them to abide by the decision.

XIII. The District Punchayet shall take the written plaint of the plaintiff and shall in their proceedings on the trial observe the rules prescribed for Village Punchayets in sections XIII, XIV, XV, XVI, XVII, and XVIII, Regulation II, 1815.

Rules to be observed on the trial.

XIV. In cases where a witness may be required to give his testimony, or whose attendance may be rendered improper by circumstances of rank or caste, or who neglects to attend when summoned; or having attended, refuses to give his evidence, or who resides beyond the jurisdiction of the District Moonsiff, the District Moonsiff shall at the requisition of the District Punchayet, proceed as directed in sections XXX, XXXI, XXXII, and XXXIII, Regulation III, 1815.

Rules to be observed to procure the testimony of witnesses.

XV. Exhibits shall be received by the District Punchayets from parties in suits before them under the rules specified in section XXXVIII, Regulation III, 1815.

Rules to be observed in the admission of exhibits.

XVI. If a party, vakeel, or witness, in any depending suit shall neglect to attend or shall be guilty of disrespect to the District Punchayet in open court, the District Moonsiff is empowered to impose a fine not exceeding one rupee on the party, vakeel or witness so offending.

The District Moonsiff to fine parties, vakeels, or witnesses for disrespect to the Punchayet.

XVII. When the parties have been heard and the exhibits received and the witnesses on both sides examined, the District Punchayet shall deliberate in private and pass their decision in writing according to justice and right.

The Punchayet to deliberate in private and pass their decision.

XVIII. Three copies of the decree shall be prepared by the District Punchayet attested by their respective signatures; they shall be sent under a sealed cover and delivered to the District Moonsiff, who shall send for the parties without delay, open the seal in their presence and cause the Punchayet to deliver to each in his presence a copy of the decree; but no communication shall be made to the District Moonsiff or to either party on the nature of the decree, previously to its delivery, a third copy of the decree with the documents and proceedings shall be transmitted by the District Moonsiff to the Zillah Judge with his monthly report as prescribed in section XLIV, Regulation III, 1815.

Three copies of the decree to be prepared.
To be sent under seal to the Moonsiff.
Punchayet to give one to each party in his presence.
Contents not to be disclosed.
A third copy of the decree with the proceedings to be sent to the Zillah Judge.

XIX. The decree of the District Punchayet shall contain the names of the witnesses examined, the title of every document read in the trial, the sum of money or value of the property decreed, and the time when it is to be paid or delivered, with an abstract of the grounds on which the decree is founded and shall be dated on the day on which it is passed.

What shall be contained in the decree.

Refusal to receive the decree to be endorsed on the copy sent to the Zillah Court.

XX. *First.*—If the plaintiff or defendant shall refuse to receive a copy of the decree when offered, the Punchayet shall note this refusal on the back of the copy of the decree which is directed to be forwarded to the Zillah Judge.

Non-attendance to receive the decree to be endorsed on the copy intended for the parties.

Second.—If the plaintiff or defendant shall not attend either in person or by vakeel within three days to receive a copy of the decree, the District Moonsiff shall note the omission on the back of the copy intended for the party failing to attend and it shall be kept by the District Moonsiff until claimed by the party in the event of his preferring an appeal.

An appeal open in certain cases on decisions of District Punchayets to the Zillah Judge.

His decisions thereon final.

XXI. In cases where only one of the parties shall agree to the trial by Punchayet as specified in section IV of this Regulation, any person dissatisfied with the decision of the District Punchayet may appeal to the Zillah Judge, provided the sum of money or value of the property adjudged or disallowed shall exceed one hundred Arcot rupees as calculated in section XLII, Regulation I, 1815 and provided the petition of appeal with the decree is presented within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or their vakeels and under the same rules as are prescribed in section LV, Regulation III, 1815. The decisions of the Judge on all such appeals shall be final.

In other cases not appealable where corruption or partiality is proved Zillah Judge empowered to annul the decree.

XXII. In cases not appealable when both parties enter into a bond as prescribed in sections V and XII of this Regulation to abide by the decision of the District Punchayet, if it be proved by either party to the satisfaction of the Zillah Judge by the oath of two credible witnesses that the District Punchayet have been guilty of gross partiality or corruption, he shall annul the decree and the parties shall be at liberty to have recourse to another Punchayet or to any competent jurisdiction.

Decisions of District Punchayets not to be set aside for want of form.

XXIII. Decisions of District Punchayets shall not be set aside for irregularity in the proceedings in respect to form.

Decisions of District Punchayets under an amount specified to be enforced by the District Moonsiff.

XXIV. *First.*—Decisions of District Punchayets shall be carried into execution by the District Moonsiff under the same rules as are prescribed in sections XLIX, L, LI, and LII, Regulation III, 1815, provided the amount of the decision do not exceed two hundred Arcot Rupees as calculated in section IV of this Regulation.

If above the amount specified herein, by the Zillah Judge.

Second.—If the amount of the decision of the District Punchayet exceed two hundred Arcot rupees, the decision shall be carried into execution by the Zillah Judge on the petition of either party to that effect.

Petitions to the Zillah Courts in certain cases to be on stamp paper and exempt from all fees.

XXV. On the application of either party whether in person or by an authorized vakeel of the Zillah Court to the Zillah Judge, either to annul or to carry into execution, the decision of a District Punchayet, the petition shall be written on stamp paper of the prescribed rate and the parties shall be exempted from all fees or other charges.

Members of District Punchayets exempt from summonses.

Exception.

Liable to prosecution for corruption.

XXVI. No member of a District Punchayet shall be summoned by any court, to answer for his conduct on the Punchayet in any suit unless a complaint charging him with corruption be preferred by either party in the suit to the Zillah Court; if the charge be proved, he shall be adjudged to pay to the prosecutor a sum not exceeding three times the amount or value of the money or property corruptly received with all costs of suit.

Members of District Punchayets to be allowed batta.

To be paid by the party cast.

XXVII. Every member of a District Punchayet shall receive daily from the date of his leaving his village until his return, batta at the rate of from one anna to a quarter of a rupee *per diem* according to his situation in life. The batta is to be collected without delay from the party cast and is to be paid to the members of the Punchayet and their receipt is to be taken by the District Moonsiff.

Witnesses also to be allowed batta.

XXVIII. Every witness shall receive from the date of his leaving his village until his return batta at the rate of from one anna to a quarter of a rupee daily, according to his situation in life to be paid by the order of the District Moonsiff by the party at whose instance he is summoned.

All costs to be included in the decree and to be paid by the party cast.

XXIX. The amount of the institution fee, of batta to members of the Punchayet and to witnesses, and of any necessary charges for paper shall be specified in the District Punchayet's decree and shall be paid by the party cast.

Punchayet how to proceed in cases of inheritance.

XXX. In all cases of inheritance of or succession to landed property, the District Punchayet shall be guided by the rules prescribed in section LXIII, Regulation III, 1815.

As also in respect to the commencement of the cause of action and rate of interest.

XXXI. The District Punchayet shall be guided in their proceedings as to the commencement of the cause of action and the rate of interest by the rules specified in sections XV and XVI, Regulation III, 1815.

Reports of causes tried and depending to be sent to the Zillah Judge.

XXXII. Reports of causes tried by and depending before the District Punchayets shall be transmitted by the District Moonsiff to the Zillah Judge according to the forms, No. 1 and 2 of the appendix of this Regulation and at the periods prescribed in sections XLVI and XLVII Regulation I, 1815.

How the institution fees in suits tried by Punchayets are to be appropriated.

XXXIII. The fees prescribed to be levied under sections IV and V of this Regulation shall be transmitted to the Zillah Judge and appropriated as a compensation to the District Moonsiff under the restrictions specified in section LX, Regulation III, 1815.

APPENDIX.

Form No. 1.

Report of causes decided by Punchayet in the district of...... in the month of............

Number.	Names of the parties.	Substance of the suits.	Limited suits—date when preferred.	Unlimited suits—date of the bonds of the parties.	Appeal suits—date when preferred.	Decree.	Date of the decree.
1	Veerasawmy *vs.* Gopaliah.	199 rupees on bond.	1st ...	...	...	199 rupees with 6 Rs. and 3½ annas *costs.*	10th
2	Abdullah *vs.* Shiek Hoosan.	700 rupees value of a house.	...	5th ...	...	Dismissed ; claim not proved with 7 rupees *costs.*	12th
3	Kishen Row *vs* Vencatasiah.	10 Mirasi shares of land paying Revenue of 100 rupees annual produce.	...	...	7th ...	Confirmed the decree of the village Punchayet for the amount of the claim with 6 Rs. & 4 annas *costs.*	14th
4	Sasbiah *vs.* Nursing Row.	Land exempt from rent 100 rupees annual produce.	17th ...	...	...	Dismissed with 3 rupees and 2 annas costs, plaintiff filing a Razeenamah.	20th
						Limited suits	2
						Unlimited suits	1
						Appeal suits...	1
						Total ...	4

Form No. 2.

Report of causes before Punchayet in the District of........... ....remaining undecided on the ....

Number.	Names of the parties.	Substance of the suits.	Limited suits—dates when preferred.	Unlimited suits—date of the bonds of the parties.	Appeal suits—date when preferred.	
1	Abdul Cauder *vs.* Seied Mohomud.	180 rupees rent of mango trees.	3rd	...	......	
	Nullapah *vs.* Terumaly.	800 rupees value of a house.	...	4th	......	
3	Balajee Row *vs.* Custoor Chetty.	Balance of account 145 rupees.	...	...	10th	
					Limited suits	1
					Unlimited suits	1
					Appeal suits	1
					Total ...	3

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A.D. 1815. REGULATION V.

A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zillah Courts to be Sudder Ameens or Head Referees for the trial of referred causes to the amount or value of three hundred Arcot rupees.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

Preamble.

I. Whereas it appears expedient to appoint the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zillah Courts to be Sudder Ameens of the Zillahs in which they are respectively stationed, both because such Officers are well qualified to investigate and determine Civil suits which the Zillah Judges may deem proper to refer to them and because the salary received by them from the Government with their respectability of character and knowledge afford the strongest ground of confidence that the powers of referee will be exercised with integrity and impartiality, the Governor in Council has enacted the following rules.

The Hindoo Law Officers of the Provincial Courts to be Sudder Ameens.

II. The Hindoo Law Officers of the Provincial Courts of Appeal shall by virtue of their offices be Sudder Ameens of the Zillahs in which those Courts are stationed.

The Mahomedan and Hindoo Law officers of the Zillah Courts to be Sudder Ameens.

III. The Mahomedan and Hindoo Law Officers of the Zillah Courts shall by virtue of their offices be Sudder Ameens of the Zillahs in which they may be respectively employed.

Form of oath to be taken by Sudder Ameens.

A solemn declaration may be admitted in lieu of the oath.

IV. Every Sudder Ameen shall previously to entering upon the execution of the duties of his situation, take and subscribe an oath according to the form prescribed in the appendix No. 1 before the Judge of the Zillah in which he may be appointed to officiate; but the Judge is empowered in all cases in which he may deem it expedient to exempt such Sudder Ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

What suits may be referred to Sudder Ameens.

V. The Judges of Zillahs are authorized to refer to the Sudder Ameens for trial and decision any original suits for money or other personal or real property not exceeding in amount or value three hundred Arcot rupees; for lands exempted from the payment of revenue to Government, the annual produce of which shall not exceed thirty Arcot rupees; and for lands paying revenue to Government, the annual produce of which shall not exceed three hundred Arcot rupees.

Cases of Law to be referred to the Hindoo and Mahomedan Law Officers respectively.

VI. In referring suits for trial to the Sudder Ameens, the Judge shall generally refer such cases as are likely to involve questions of Hindoo Law to the Hindoo Law Officer, and of Mahomedan Law to the Mahomedan Law Officer.

Suits referred to the Sudder Ameens to be tried by the rules prescribed for the Zillah Courts.

Appropriation of institution fee thereon.

VII. The Sudder Ameens shall try and determine all original suits which may be referred to them by the Zillah Judges in conformity with the rules prescribed for the trial and determination of original suits by the Zillah Courts; and when such suits may be decided by them on an investigation of the merits of the case or may be adjusted by the Razeenamah of the parties, they shall be entitled to receive the institution fee thereon.

Sudder Ameens are themselves to investigate suits referred to them.

VIII. The Sudder Ameens are themselves to investigate the suits referred to them in a public cutcherry or court room at the station where the Zillah or Provincial Court of Appeal is held and are not to allow their officers, servants, or dependants or any other person to interfere therein.

How such suits shall be pleaded.

IX. All causes referred to the Sudder Ameens shall be pleaded either by the parties in person or by any authorized vakeel of the Zillah Court. The Judges of the several Zillahs will assign to the court of each Sudder Ameen such a number of the authorized vakeels of the Zillah Court as may appear necessary; the whole of the Regulations in force regarding the authorized vakeels of the Zillah Courts shall be applicable to the authorized vakeels employed in the Courts of the Sudder Ameens.

What appeals may be referred to Sudder Ameens.

X. In addition to the original suits, which the Zillah Judges are authorized to refer to Sudder Ameens under section V of this Regulation, they are empowered to refer to the Sudder Ameens any depending appeals from the decisions of District Moonsiffs and also any depending appeals from the decisions of the District Punchayets, which the Judges themselves may be unable to try and determine with sufficient despatch.

Decisions of Sudder ameens on such appeals final.

Appeal open in original suits to the Zillah Judge.

XI. The decisions of the Sudder Ameens on appeals referred to them under the preceding section shall be final. But in original suits referred under section V, there shall be an appeal to the Zillah Judge under the rules prescribed for appeals from the decisions of the Register.

A separate register to be kept of appeals and suits to be determined in the first instance.

XII. The Sudder Ameens to whom original suits and appeals may be referred, shall keep a separate register book of them according to the form prescribed in No. 2 of the appendix to this Regulation; and in their monthly and half-yearly reports, they shall carefully distinguish suits referred to them in appeal, from suits referred to them for trial and determination in the first instance.

Rules for the trial of such appeals.

Appropriation of institution fee thereon.

XIII. The Sudder Ameens shall try and determine all appeals, which may be referred to them in conformity with the rules prescribed for the trial and determination of appeals by the Zillah Courts and when such appeals may be decided by them on an investigation of the merits of the case, or may be adjusted by Razeenamahs of the parties, they shall be entitled to receive the same fees, as in original suits decided by them under the provisions of section VII of this Regulation.

The Sudder Ameens allowed to fine to the extent allowed to District Moonsiffs.

XIV. The Sudder Ameens shall be empowered to fine parties, vakeels or witnesses if necessary, to the extent allowed to the District Moonsiffs by Regulation III, 1815 under the cases therein prescribed.

Process on suits before Sudder Ameens to issue thro' the Zillah Court.

Proviso.

XV. Every notice, summons, attachment, or other process relative to any cause depending before a Sudder Ameen, shall be issued under the seal of the Zillah Court, and under the official signature of the Judge or Register, and shall be executed through the regular officers of the Zillah Courts, provided however that nothing in this Regulation shall be construed to empower the Sudder Ameens to realize by their own authority any fines which they may impose. In such instances they shall report the circumstances of each case to the Zillah Judge who will proceed to realize the same under the same rules, as are prescribed for the execution of decrees.

APPENDIX

No. 1.

Form of oath to be administered to persons appointed to the office of Sudder Ameen.

I, A. B, appointed to the office of Sudder Ameen of the Zillah of do solemnly swear that in the trial and determination of all suits which may come under my cognizance and in the execution of all the other duties of my office, I will act according to the best of my abilities and judgment, without partiality, favour, or affection; that I will not directly or indirectly receive or knowingly allow any other person to receive any money, effects, or property on account of any suit that may come before me for decision, or on account of any public duty which I may have to execute; I will strictly adhere to all the rules prescribed for my guidance, and I will in all respects truly and faithfully execute the trust reposed in me.

No. 2.

Form of a register book of suits referred to Sudder Ameen.

Number of the suit.	Date of the reference.	Names of the parties.	Amount & subject of the claim.	Date and abstract of the decree.	Date on which copies of the decree were furnished or tendered to the parties.
1	2nd of February 1815.	Veerasawmy *Vs*: Chengelroy.	Debt on bond, 137 rupees.	20th March 1815; decreed in favour of the plaintiff, 133 rupees original and Rs. 2 interest, defendant to pay costs 14 Rs. 6 ans. Total 149 Rs. 6 ans.	24th of March 1815, one copy furnished to the plaintiff himself and another to the vakeel to the defendant.
2	2nd of February 1815.	Mohomud *Vs*: Bavasaib.	Debt of 277 rupees for value of rice furnished to defendant.	Adjusted by Razeenamah, 10 th of February.	...
3	3rd of February 1815.	Gunnasing *Vs*: Mohun Lala.	Arrears of rent, 244 rupees.	April 1st; decreed for 172 rupees. Parties to pay their own costs, 8 rupees each.	April 7th; plaintiff absent, copy of the decree furnished to the defendant.

(6)

A.D. 1815. REGULATION VI.

A Regulation for authorizing Collectors of Zillahs to refer for trial and decision by Punchayet disputes respecting the boundaries of villages in the territories subject to the Government of Fort St. George.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

Preamble.

I. With a view to the future prevention of serious affrays respecting disputed village boundaries between different villages by their speedy adjustment, it being deemed expedient to authorise Collectors to refer such cases for immediate decision to Village and District Punchayets, the following rules have been enacted.

Collectors empowered to refer boundary disputes for trial by Punchayet.

II. In all cases of claims to lands founded on disputed boundaries between different villages, the Collectors shall have authority to cause them to be tried by a Village or District Punchayet in their respective Zillahs.

The suit to be tried by a Village or District Punchayet.

III. When the suit shall be between proprietors or renters, or Heads of villages for lands, the right to which depends on a disputed village boundary, whatever the annual produce of the lands in dispute may be, it shall be tried by the Punchayet of any village to which both parties shall be willing to refer it, on the application of both parties to the Collector to that effect. But where either party may be unwilling to abide by the decision of a Village Punchayet, the Collector on the application of either party shall refer the case to the District Moonsiff who shall cause it to be tried by a District Punchayet under the provisions of Regulation IV, 1815.

A third copy of the decree to be sent to the Collector.

IV. The copy of the decree of the Village Punchayet which is directed to be forwarded to the District Moonsiff by section XXI, Regulation II, 1815, and the copy of the decree of the District Punchayet which is directed to be forwarded by the District Moonsiff to the Zillah Judge by section XVIII, Regulation IV, 1815, shall in the cases specified in section III of this Regulation be transmitted to the Collector.

The Collector empowered to annul the decree in certain cases.

V. The decisions of the Punchayets in these cases shall not be set aside by the Collector unless it be proved by either party to his satisfaction by the oaths of two credible witnesses that the Punchayets have been guilty of gross partiality or corruption, in which case he shall have authority to annul the decision and the parties shall be at liberty to have recourse to another Punchayet whose decision shall be final.

The suits tried by Village Punchayets exempt from fees.

Those by District Punchayets liable to certain charges.

VI. Suits tried under this Regulation by Village Punchayets shall be exempted from all fees and charges of every description, any necessary expense for paper excepted. But suits tried under this Regulation by District Punchayets shall be liable to the charge of the institution fee and batta to witnesses and to the Punchayet as specified in sections IV, V, XXVII, and XXVIII, Regulation IV, 1815.

The decisions of the Punchayets under certain limitations to be carried into execution by Village & District Moonsiffs. In others by the Collectors.

VII. The decision of the Village and District Punchayets under this Regulation shall be carried into execution by the Village and District Moonsiff under the limitations prescribed by clauses first and second, section XXVIII, Regulation II, 1815.

But if the decision of the Punchayet shall be for land exempted from paying rent to Government, the annual produce of which shall exceed twenty Arcot rupees or for land paying rent to Government the annual produce of which shall exceed two hundred Arcot rupees, it shall be carried into execution by the Collector on the application of either party to that effect.

All decisions under this Regulation to be included in the Village & District Moonsiff's monthly reports.

VIII. Village and District Moonsiffs shall include in their monthly reports all decisions of Punchayets under this Regulation.

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(7)

A.D. 1815. REGULATION VII.

A Regulation for transferring the superintendence of Police throughout the territories subject to the Government of Fort St. George from the Magistrates to the Collectors of Zillahs and for the establishment of a general system of Police.

Passed by the Governor in Council of Fort St. George on the of 1815 corresponding with the

I. It being expedient that the superintendence of the Police should be transferred from the Magistrates to the Collectors of Zillahs, and that a system of Police founded chiefly upon the ancient usages of the country should be established throughout the territories subject to the Government of Fort St. George, and that the powers and authorities of the several classes of persons to be entrusted with the performance of the Police duties should be defined, the Right Honorable the Governor in Council has been pleased to enact the following rules.

Preamble.

The superintendence of Police transferred to the Collectors; Darogas and Tanadars abolished.

II. The superintendence of the Police is transferred from the Zillah Magistrates to the Collectors and the present establishment of Police Darogas and Tanadars shall be abolished.

Persons defined to perform Police duties.

III. The duties of Police in the territories subject to the Government of Fort St. George shall be performed by the persons hereinafter mentioned.

First.—Heads of villages as defined in section III, Regulation I, 1815, aided by Curnums or Village Registers and Tallyars and other Village watchers.

Second.—Tahsildars of districts with the assistance of Peshkars and establishments of peons.

Third.—Zemindars.

Fourth—Ameens of Police.

Fifth.—Cutwals and their peons.

Sixth.—Collectors of Zillahs.

Heads of villages to be Heads of Police in their respective villages.

IV. Heads of villages shall be *ex officio* Heads of the Police of their respective villages; they shall be furnished by the Collectors with a copy of this Regulation to be lodged with the Village Curnum and they shall be guided by such rules as are herein contained and by such orders as they may from time to time receive from the Tahsildar or the Collector.

To apprehend all persons for offences or breaches of the peace; mode of proceeding to be observed.

V. Heads of villages shall apprehend all persons charged with committing offences or with breaches of the peace, they shall not (excepting in cases of a trivial nature specified in section XII) require any confession from them, either verbally or in writing, but shall forward the offenders together with the witnesses to the Tahsildar for examination and they shall in no case detain any accused person in their custody for more than twenty-four hours.

If the parties to be apprehended are too strong, aid is to be required of other Heads of villages or Tahsildars.

VI. If the parties complained of are too strong for the Head of the village to apprehend with the assistance of the village servants, he will apply for aid to the Heads of the neighbouring villages or to the Tahsildar.

In cases of emergency the inhabitants to co-operate with the Heads of villages.

Proviso.

VII. In cases of emergency the Head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders and all the inhabitants of the village are hereby required to co-operate with him on such occasion, provided however that no person shall be called out who is prohibited from such service by the rules of his caste or profession.

Heads of villages to co-operate with each other.

VIII. Heads of villages shall co-operate with each other in apprehending offenders and forwarding them to the Tahsildar and in the general preservation of the peace of the country.

Heads of villages to receive information of murders &ca. in any villages within their districts.

IX. Heads of villages are authorized to receive information of murders, robberries and other heinous offences committed in any villages within the limits of the district or Tahsildari to which they belong and they shall send immediate information either to the Head of the village in which the crime was committed or to the Tahsildar.

To report to the Tahsildar the arrival of all suspicious persons.

X. Heads of villages shall report to the Tahsildar the arrival of any suspicious persons and all information which they may be able to collect concerning them.

To forward to the Tahsildar persons accused of injuring any public works.

XI. Heads of villages are authorized to apprehend and forward to the Tahsildar persons accused of injuring the public buildings, roads, tanks and water channels.

Empowered to punish for trivial offences.

Limitation of punishment.

XII. Heads of villages in cases of a trivial nature, such as abusive language and inconsiderable assaults or affrays, may on a verbal examination, either dismiss the offenders, or confine them for a period not exceeding twelve hours, either in the stocks or not as the case may require; whenever they punish any person by confinement, they shall report the circumstances to the Tahsildar; but no reports shall be made in other cases.

XIII. Heads of villages upon receiving information in writing signed by the informer of stolen property concealed in any place within their jurisdiction shall cause search to be made and the property if found to be seized. But should the place of concealment be a dwelling house, the search shall be made only between sun rise and sun set.

How to proceed in cases of stolen property being concealed in any place.

XIV. Should there be good ground to believe that the possessor of the place was harbouring the property knowing it to be stolen, the Head of the village shall send him to the Tahsildar for examination.

To forward the owner of the place to the Tahsildar on good cause of suspicion of his being concerned.

XV. Heads of villages shall apprehend and forward to the Tahsildar any person who may be found selling stolen property knowing it to be stolen.

To forward also persons selling stolen property knowing it to be stolen.

XVI. Heads of villages shall not take cognizance of adultery, fornication, or other charge not involving a breach of the peace; nor shall any Tahsildar or other Police officer take cognizance of such matters.

No Police officer to take cognizance of any charge not involving a breach of the peace.

XVII. Heads of villages shall report to the Tahsildar the death of any village watcher and the person who is to succeed by inheritance to the office.

To report to the Tahsildar the death of any Village watcher.

XVIII. Heads of villages shall take charge of the property of persons dying within their jurisdictions when there is no person present authorized to take charge thereof, and shall immediately forward to the Tahsildar a report of their having done so, together with an inventory of the property for the information of the Collector.

To take charge of property not claimed & to report the same to the Tahsildar.

XIX. Heads of villages shall take charge of all stray cattle, horses, sheep, and other strays, of which the owners may not be known, and shall report each case to the Tahsildar.

To take charge of all strays.

XX. Heads of villages upon receiving information of any dead body, of a person supposed to have been murdered, having been discovered, or of any persons having been murdered, shall without delay send notice of it to the Tahsildar who will himself proceed to the spot and hold an inquest on the body; but should the distance prevent his arriving in time to see the body in a state fit for examination, the Head of the village shall proceed to the spot with the Curnum and two or three respectable inhabitants. He shall examine every person who can give any information respecting the murder or the manner in which the body came there. He shall cause the Curnum to take down their evidence in writing and to enter in the report every necessary particular respecting the appearance of the body. The report shall be attested by two or more of the inhabitants and by himself and the Curnum and shall be immediately forwarded to the Tahsildar.

How to proceed on information of the discovery of any dead body.

XXI. Curnums shall keep Registers according to the annexed form of persons confined by the Heads of villages under section XII of this Regulation and these Registers shall be transmitted monthly by the Heads of Villages to the Tahsildars.

Registers of persons confined to be kept & sent monthly to the Tahsildar.

Report of persons punished in the village of in the month of .

No.	Names.	Offence.	Punishment.	Date.
1	Mootoo ...	Drunken riot ...	Confinement in the stocks for 12 hours.	1st
2	Veren	Abusive language ...	12 hours confinement	2nd
3	Syed Hussan ...	Assaulting a woman.	Do.	3rd

XXII. Village watchers by whatever local name distinguished, shall perform their customary Police duties under the immediate authority of the Heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Village watchers to perform Police duties; exempt from making compensation for losses by theft.

XXIII. In villages where the office of village watcher does not exist, or where it appears that the duty cannot be discharged by any of the other village servants, village watchers shall be appointed by the Collector and shall as far as possible be selected from the Dhers, Beders, and other castes best qualified for Police duties.

Village watchers to be appointed where none exist.

XXIV. The office of Village watchers shall be hereditary wherever Village watchers now exist; and wherever Village watchers may be appointed, where none now are, the office shall be hereditary in the families of the persons so appointed.

The office to be hereditary.

XXV. Village watchers appointed under section XXIII, shall be entitled to such allowances in land, grain or money, as Government may allot for their maintenance in the same manner as if they had obtained them by inheritance.

The allowances they shall be entitled to, stated.

To be deprived of office by the sentence of the Magistrate &ca.

XXVI. No Village watcher shall be deprived of his office, but by the sentence of the Magistrate or of a superior Judicial authority and in this case the vacancy shall always be supplied by the nearest heir.

Liable to suspension by the Collector.

XXVII. But Village watchers for neglect of duty shall be liable to suspension from office by the Collector for a period not exceeding twelve months.

Successor on failure of heirs to be appointed by the Collector.

XXVIII. On failure of heirs the successor shall be nominated by the Collector.

To apprehend persons for breaches of the peace &ca.

XXIX. Village watchers shall apprehend persons charged with offences or breaches of the peace and shall carry them before the Heads of their respective villages. They shall likewise apprehend persons whom they may find committing any criminal act or breach of the peace.

To report all suspicious persons.

XXX. Village watchers shall report to the Curnum and the Head of the village, all suspicious persons either residing in or passing through the village.

And to report every thing connected with the peace & good order of the village.

XXXI. They shall likewise report generally all information that may come to their knowledge connected with the peace and good order of the village and shall in all things obey such orders as they may receive from the Heads of their villages.

Cutwals and their peons to be subject to the orders of the Tahsildars and Heads of villages.

XXXII. Cutwals and their peons wherever it may be necessary to employ them, shall be subject to the authority of the Tahsildars and Heads of villages and will be directed by their orders in furnishing supplies for travellers and in the maintenance of the peace.

Tahsildars to be Heads of the Police of their respective districts.

XXXIII. Tahsildars of districts shall *ex officio* be Heads of the Police of their respective districts; they shall be responsible for the preservation of the peace and they shall report all acts done and all material information received by them, to the Collector.

Their establishment for Police or Revenue applicable to both purposes.

XXXIV. They shall be aided in the discharge of their Police duties by an establishment of Peshkars, Gomastas, and peons; but this establishment together with that of the Revenue, shall be considered as one and the whole as applicable equally to Police or Revenue purposes.

Guards of peons to be stationed only in ghauts &ca.

XXXV. They shall not station any guards of peons except in dangerous ghauts or jungles, and they shall relieve them occasionally.

Tahsildars to assist the Village Police.

XXXVI. Tahsildars shall to the utmost of their power assist the Village Police in the apprehension of offenders and when necessary proceed in person to its aid.

To send peons to markets fairs &ca.

XXXVII. They shall also send peons to markets, fairs and other public meetings in their districts in order to preserve the peace.

How to proceed on information of heinous offences.

XXXVIII. The Tahsildar shall receive information of murders, robberies, house breaking, theft, setting fire to a house, or other building, counterfeiting the coin and other heinous offences, and when the information is worthy of credit shall immediately make every exertion for the apprehension of the persons accused. When the accused are brought before the Tahsildar, he shall take down in writing the deposition of the witnesses present and he shall summon and take the depositions of such other persons as he may think may be material evidences to the case. The Tahsildar shall examine the prisoners and if they make a free and voluntary confession, such confession is also to be reduced to writing in the presence of two or more respectable witnesses, not employed in the public service; but no compulsion or threat is to be used; nor is any hope of pardon to be held out, as an inducement to any prisoner to make a confession.

To forward the prisoners to the Magistrate reporting the case to the Collector.

XXXIX. He shall forward the prisoners to the Magistrate as soon as the examination is finished with the depositions taken, reporting the circumstances at the same time to the Collector. He shall not detain the prisoner above twenty four hours; should a longer detention be unavoidably necessary, he shall report the case to the Collector.

Persons charged with offences by prisoners to be proceeded against in like manner.

XL. Persons charged with offences upon the examination or confession of prisoners are to be proceeded against in the like manner.

XLI. Any Officer of Police or other person maltreating a prisoner or witness for the purpose of obtaining information or a confession, shall be subject to punishment by the Magistrate according to the nature of the case; should the offence be of an aggravated nature he shall be committed for trial before the Court of Circuit.

Officers of Police ill using prisoners liable to punishment.

XLII. In cases of bailable offences or misdemeanours which shall not appear to require the immediate apprehension of the party accused, the Tahsildar shall summon him in writing on the deposition of the complainant and take his deposition and if necessary the deposition of any witnesses to the truth of the charge. He shall then take security for the appearance of the party accused before the Collector, to whom he shall immediately report the case and transmit the depositions.

In certain bailable cases party accused to give security for his appearance.

The depositions to be sent to the Collector.

XLIII. In trivial bailable offences, bail shall not be required, unless there is reason to believe that the party means to abscond.

In trivial cases bail not to be required.

XLIV. If the charge appear groundless, or if it be not preferred within three months from the commission of the act complained of, unless proof be given that the delay was unavoidable, or if the parties shall agree in writing, the plaintiff to withdraw and the defendant to permit the withdrawing of such complaint, the writing being duly attested by two credible witnesses, the Tahsildar shall in any of these cases dismiss the complaint and no report thereof need be made to the Collector.

In what cases the Tahsildar may dismiss the complaint.

XLV. In cases of a trivial nature specified in section XII, which may be preferred in the first instance to the Tahsildar, he shall have authority, either to dismiss the offender or to punish him by a fine not exceeding one rupee, or by confinement not exceeding twenty-four hours, either in the stocks or not as the case may require, making a monthly report of punishments to the Collector in the form prescribed in section XXI.

Tahsildars empowered to punish for trivial offences.

Limitation of punishment.

XLVI. Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed or of gangs of robbers or of suspicious people having entered or taken refuge in each others districts and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Tahsildars to co-operate with each other for the security of the country.

XLVII. Tahsildars and those acting under them shall have authority to pursue offenders into whatever zillah or district they may fly. The officers in pursuit shall be assisted by the Police and if necessary by the inhabitants of the district into which they may pursue.

Police officers to pursue offenders into any zillah or district.

If the pursuit be into another Zillah, a report thereof stating the name of the offender, the offence with which he is charged, and the name of the pursuing officer and the district to which he belongs shall be made to the local Collector.

If the pursuit be into another zillah, a report thereof to be made to the Collector.

XLVIII. The Tahsildar in all cases of murder within his district, shall himself if possible proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

The Tahsildars in all cases of murder to proceed to the spot if possible.

XLIX. Tahsildars in cases of information of stolen property, shall proceed as directed in section XIII of this Regulation and report to the Collectors.

In cases of information of stolen property how to proceed.

L. Collectors with the sanction of the Courts of Circuit shall, where Zemindars are willing and where they think them qualified to act as Heads of Police, grant them sunnuds to act as such within the limits of their respective Zemindaries only. The Collectors shall prescribe to such Zemindars in their commissions any part of the duties and authority vested by this Regulation in Tahsildars with which they may deem it proper that they should be entrusted.

Collectors empowered to grant sunnuds to Zemindars to act as Heads of Police in their Zemindaries.

LI. In large towns where it may be found that the Police duties cannot be conducted by the Head inhabitant, the Collector shall appoint a person to act as Ameen of Police either immediately under his own orders or under the Tahsildar of the district and either with the Police powers vested in Heads of villages or with those vested in Tahsildars by this Regulation as may appear expedient.

The Collectors in certain cases to appoint Ameens of Police.

LII. In towns on the sea coast where from the resort of Europeans it may be found inconvenient to employ a native as Police Ameen, an assistant Collector shall be stationed and shall within his jurisdiction have the same Police authority as is granted to the Collector by this Regulation or such part of it as may be deemed expedient by the Collector.

Assistant Collectors to be stationed in certain towns with Police Jurisdiction.

LIII. Tahsildars of districts, Zemindars, Ameens of Police, Heads of villages, Curnums and Village watchers, shall not be summoned either by the Zillah, Circuit, or Provincial Courts, as witnesses or otherwise, unless where their attendance is absolutely necessary, and they shall not be detained longer than the occasion may unavoidably require.

Police Officers herein named not to be summoned by any court unless unavoidable.

LIV. No Police officer shall entertain complaints of petty offences that are not preferred within three months from the date of the act complained of, unless it shall be shewn that the delay was unavoidable.

No complaint for petty offences to be entertained not preferred within three months.

LV. Persons of every description, as well as Police Officers, are authorized and directed to detain strangers or suspicious persons, tendering property for sale or in pawn at a price evidently much below its real value or removing property under suspicious circumstances at an unseasonable hour of the night.

All persons authorized to detain persons under suspicious circumstances.

LVI. For extortion, oppression, or other abuse of authority, Tahsildars, Zemindars, Ameens of Police, Heads of villages, and all Police Officers, may be sued by the injured party, either criminally before the Magistrate and the Court of Circuit, or for damages in the Zillah Court.

Police Officers for all abuse of authority liable to prosecution.

LVII. Persons preferring complaints under the preceding clause, which shall on investigation prove to be false, frivolous, or vexatious, shall be punishable by fine not exceeding one hundred Arcot rupees, or by imprisonment for a time not exceeding six months, to be adjudged by the Court before whom the complaint has been preferred.

Persons preferring unfounded complaints against Police officers also liable to punishment.

LVIII. The superintendence of the Police being transferred to the Collectors, they shall be responsible for the maintenance of the peace within their respective Zillahs and whenever their Police establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest military station as directed in section X, Regulation III, 1810.

The Collectors responsible for the maintenance of the peace in their respective Zillahs.

LIX. The Police establishment of Peons which may be transferred to the Collector shall not be considered as distinct from the Revenue establishment, but both shall be equally employed in Police and Revenue duties as occasion may require.

The Police establishment of peons and the Revenue establishment to be equally applicable to Police Revenue duties.

LX. The Collectors shall require all manufacturers of fire arms and offensive weapons to take out licenses from their offices within a certain day, of which due notice shall be given, and any person who shall be found after that period manufacturing arms without such license shall be proceeded against as in a case of misdemeanour.

Manufacturers of fire arms to take out licenses from the Collectors.

LXI. The Collector upon receiving a complaint in writing against any person for murder, robbery, or any crime specified in section III, Regulation IV, 1811, shall proceed as directed in sections III, IV, and V of that Regulation; provided however that his warrant shall be addressed to a Tahsildar or some other Police Officer. If the prisoner shall not appear to have been guilty of the charge, he shall release him. If he deem the prisoner guilty, he shall forward him as soon as possible to the Magistrate with the complainant, witnesses and proceedings.

The Collectors how to proceed in certain cases.

LXII. In cases where persons accused may have been released on security by the Tahsildar as directed in section XLII of this Regulation, the Collector, after considering the report and depositions, shall if he deem the charge to be proved and of a nature punishable by himself, punish the offender by fine or imprisonment, not exceeding the limitations prescribed in the following section of this Regulation. But if he think, that the offence exceeds his power of punishment, he shall return the report and depositions to the Tahsildar and direct him to send them with the person accused to the Magistrate. If he think that the charge is either not proved or does not require punishment, he shall order the accused to be released from his security.

Empowered to punish offenders on bail.

Limitation of punishment.

If the offence exceed his power of punishment, the offender to be sent to the Magistrate.

To be released if the charge be not proved.

LXIII. In cases of petty offences such as abusive language, calumny, inconsiderable assaults, or affrays, described in section VIII, Regulation VI, 1802, the Collector is authorized to punish the offender when convicted, by committing him to prison in the cutcherry or cutwals choultry for a time not exceeding seven days, or by imposing a fine upon him not exceeding ten Arcot rupees.

Collectors empowered to punish offenders for petty offences.

Limitation of punishment.

LXIV. In cases of complaint of petty thefts described in section IX, Regulation VI, 1802, the Collector shall have authority to punish by imprisonment in the cutcherry or Cutwal's choultry for a term not exceeding seven days.

As also for petty thefts. Limitation.

LXV. Where the complaints specified in the two preceding sections shall appear to the Collector to be litigious, vexatious, or groundless, he is authorized to punish the complainant by fine or imprisonment under the limitations prescribed for the punishment of the offences specified in section XLII.

As also for groundless complaints. Limitation.

LXVI. The operation of the Collector's warrants for the apprehension of persons charged with crimes within their respective Zillahs shall not be impeded by local jurisdictions of any kind, but shall be enforced in every part of the territories subject to the Government of Fort St. George.

Collector's warrants to be generally enforced.

LXVII. If any person amenable to the authority of the Collector as Superintendent of the Police, shall resist or cause to be resisted any warrant, order, or other process of the Collector, on the same being charged on oath, the Collector shall if practicable cause the party to be apprehended and shall forward him with a report of the case, the depositions he may have taken, and the witnesses, to the Magistrate.

The Collector how to proceed on his warrant being resisted.

LXVIII. If the party shall abscond or conceal himself so that he cannot be apprehended, the Collector shall issue a proclamation as prescribed in section II, Regulation I, 1810; if the party charged as above cannot be apprehended and shall not within the period fixed by proclamation appear to answer the charge against him, or if he shall be apprehended, or shall appear in pursuance of the proclamation, the Collector shall send him with a report of the case, the depositions he may have taken and the witnesses to the Magistrate, who shall in the cases above stated proceed as directed in sections II and V, Regulation I, 1810.

The Collector how to proceed in such cases if the offender abscond.

LXIX. All Collectors are required to co-operate with each other in every thing connected with the preservation of the peace in their respective Zillahs.

Collectors to co-operate with each other.

LXX. When the Collector shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, he shall proceed as directed in sections II, III, and IV, Regulation XIII, 1809.

The Collector how to proceed where the ordinary process may be ineffectual.

LXXI. If any person charged with an offence of a criminal nature shall abscond, or conceal himself, so that upon a process issued against him by a Collector, he cannot be found, the Collector shall issue a proclamation as prescribed in section IV, Regulation I, 1810; if the party shall not appear and deliver himself up within the period fixed by such proclamation, the Collector shall report the case to the Magistrate who shall proceed as directed by section IV, Regulation I, 1810.

The Collector how to proceed in Criminal cases if the offenders abscond.

LXXII. In cases of gang robbery, murder or other heinous crime, when the offenders may not be known, if it shall appear advisable to the Collector of the jurisdiction in which the crime may have been committed, to offer a reward for the discovery of the offender or offenders, he shall proceed as directed in section X, Regulation VI, 1811.

The Collector how to proceed when it may be advisable to offer a reward for the discovery of the offender.

LXXIII. The Collector and under his orders the Tahsildars and Heads of villages shall have authority to prevent the forcible occupation or seizure of lands or crops; and also, when riotous assemblages are formed in consequence of disputes respecting the right of ploughing any particular fields, to determine who shall plough them for the present in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this section, the parties shall be at liberty to seek redress from Village or District Punchayets or other competent jurisdictions.

The Collector how to proceed on forcible occupation of lands and crops.

The parties to seek redress from Punchayets &ca.

LXXIV. If the unclaimed property referred to in section XVIII of this Regulation, shall not be the property of a British European subject, and shall not be claimed within six months from the time of its having been taken charge of and if it shall not exceed in value the sum of one hundred Arcot rupees, the Collector shall dispose of it by public auction and deposit the proceeds of the sale in his treasury; should the value of the property exceed one hundred Arcot rupees, an inventory of it and report of the case shall be transmitted to the Zillah Judge.

Unclaimed property to be sold under certain limitations and restrictions.

LXXV. The strays referred to in section XIX of which the owners cannot be found shall after the expiration of three months be sold by public auction by order of the Collector; and if within six months more, no person shall appear to claim the proceeds, the amount thereof after deducting the expenses incurred, shall be carried to the credit of Government.

Strays in like manner to be sold.

LXXVI. The Collectors are authorized to fix the rates of hire of palankeen bearers, coolies, boatmen and draught and carriage cattle, to be paid by travellers; but not the rates to be paid by the inhabitants, nor are they to fix the wages of any artificers or laborers.

Collectors to fix certain rates of hire.

But not the wages of laborers &ca.

LXXVII. Collectors shall make summary inquiry into complaints of fraud in using false weights and measures and shall proceed against the offenders as directed in cases of petty offences in section LXII.

Collectors to punish frauds about weights and measures.

LXXVIII. All complaints preferred to the Collector or any Police Officer acting under him for abusive language, calumny, inconsiderable assaults or affrays, or other petty offences shall be exempted from being written on stamp paper.

Complaints for petty offences exempt from being written on stamp paper.

LXXIX. No order shall be issued to any Police Officer excepting by or thro' the Collector of the Zillah.

No order to be issued to any Police Officer except by or thro' the Collector.

LXXX. Collectors are empowered to entrust to their Assistants all the Police authority vested in themselves by this Regulation or such part of it as they may deem expedient.

Collectors empowered to entrust their assistants with Police authority.

LXXXI. Collectors are empowered to confine for a period not exceeding seven days in the cutcherry or Cutwal's choultry, or to fine in a sum not exceeding ten Arcot rupees, any person guilty of disrespect to their authority or of disturbing their proceedings.

Collectors empowered to punish for disrespect to their authority.

Limitation.

LXXXII. Collectors shall send a half-yearly report of all punishments they may have ordered on the 1st January and 1st of July in each year, to the Court of Circuit of their respective Zillahs, in the form prescribed in section XXI of this Regulation.

Collectors to send half yearly report of cases punished by them to the Circuit Court.

LXXXIII. Regulation XXXV, 1802 is hereby rescinded.

Regulation rescinded.

Order—Dated 19th August 1815.

Ordered that the foregoing letter do lie on the table.

X—Judicial Consultation, dated 1st March 1816.

(1)

Read—the following:—

Letter—from W. Oliver, Esq., Register, Sudder Adalet Court.
To—the Secretary to Government, Judicial Department.
Dated—21st December 1815.

I am directed by the Court of Sudder Adalet to transmit to you for the purpose of being laid before the Right Honorable the Governor in Council the accompanying extract from the proceedings of the Court under date the 14th instant, together with a minute thereon recorded by the 3rd Judge on this day and the drafts of Regulations to which they refer.

Enclosures.

(i)

Extract from the proceedings of the Sudder Adalet under date the 14th December 1815.

The Court proceed to record the observations which have occurred to them after an attentive perusal of the drafts of Regulations, transmitted with the letter from the Commissioners of Internal Administration dated 1st July last.

In these observations the Court have endeavoured to shew wherein the principle of the proposed enactments appears to be objectionable, and to point out in what respect they consider the provisions made by the several proposed clauses to be inadequate to the purposes for which they are intended; upon these points the remarks of the Court will be found to extend to great length; but they trust not greater than the importance of the subject demands.

The objections which have occurred to the Court in respect to the wording of the proposed Regulations are numerous and to specify them all would extend these proceedings to a tedious length. But as the Court have prepared new drafts with modifications and additions which have appeared to them requisite to attain the object in view, it is the less necessary to enter into a minute consideration of the wording of these proposed by the Commission.

REGULATION I.

Title.—A Regulation for authorising Heads of villages as Village Moonsifs to hear and decide (civil) suits for sums of money and for the (*lacuna*) property to a limited amount throughout the territories subject to the Government of Fort St. George.

The Regulation does not merely authorize the Heads of villages to hear and decide suits of a limited amount; it also empowers them to receive complaints and proceeding upon such complaints to exercise a compulsory jurisdiction. The title is therefore defective in as much as it does not state that the Regulation defines the jurisdiction to be exercised by the Heads of the villages, as Moonsifs. The title is also objectionable in making a distinction between money and personal property.

The preamble enumerates the objects which the Regulation has in view, and it specifies as one of those objects the restoration to Heads of villages and Curnums of the consideration which they formerly derived from deciding petty suits. The Court would suggest the omission of this clause of the preamble, first, because it may be doubted whether Heads of villages and Curnums ever exercised the Judicial powers here supposed except in an arbitrary and unauthorized manner, and secondly, because if they were ever vested with these powers, either by the usages of the country or by an act of the ruling authority, the restoration of the consequence which they might have derived from the exercise of such powers can at best be considered only as a secondary object of the Regulation. Its primary objects, which alone it is necessary to specify, are to lessen the business of the Zilla Courts, to diminish the expense of litigation in petty suits, and to promote the speedy adjustment of such suits without subjecting individuals to the inconvenience attending a long absence from their homes.

Section III.

This section is intended to describe Heads of villages, and it is undoubtedly necessary that some rules should be laid down for ascertaining what particular inhabitant of a village shall be entitled to exercise the powers conferred by this Regulation. The obvious effect of this section is to constitute as Head of the village, so far at least as the office of Moonsif is concerned, the renter, when he shall be a resident and in default of him, the person who collects the rent, whether on behalf of the renter, or of the Government. The mention of the Potail and Reddy is therefore superfluous; because these persons, where they may be found to exist, are not to exercise the powers of Village Moonsif by virtue of their holding the situation of Potail and Reddy; but in consequence of their being the renters of the village, or collectors of the rent or revenue. The provisions of this section are therefore directly at variance with one of the professed objects of the Regulation, Vizt. "to restore to the Heads of villages and Curnums "the consideration which they formerly derived" from deciding petty suits, and they involve also a deviation, and a most important deviation from the plan contemplated by the Court of Directors. The Hon'ble Court, conceiving that every village contains a Head man, acknowledged as such under the title of Potail or other designation of a similar nature, propose that such Head man shall be vested with judicial powers; but this section goes to vest the judicial powers in question in a mere hireling, whatever may be his caste or religion, and whatever may be the prevailing caste of the village. Under the operation of this section, a Moosulman, or a Sudra, by being the resident renter, may become the Moonsif of a village, the inhabitants of which are Bramins. The Court have, however, copied the original section in their draft; but under the circumstances above stated they beg leave to recommend that the Commission may be instructed to reconsider the subject.

Oaths have usually been considered necessary guards of the judicial character; and it may be reasonably doubted whether they can safely be dispensed with in the case of a Village Judge. Of the latter part of the section the following modification would better convey the intended meaning. "They shall be guided in their proceedings by this Regulation, "a copy of which shall be lodged with, and preserved by each Village Curnum "for the information of the Moonsifs." But perhaps it would be better to omit the section in this place altogether, and to substitute at the end a section making it the duty of the Curnum to preserve the copy of the Regulation. That the Moonsifs shall be guided by the Regulation is provided in almost every section, and a general enactment to that effect appears unnecessary. But a clause subjecting Moonsifs, who shall act contrary to the Regulation, to a penalty of some sort is evidently wanting.

Section IV.

The exemption provided by this section combined with that provided by the section immediately preceding, would appear to render the authority of a Village Moonsif too independent of control. His conscience is not bound by an oath; and he is not liable to be called to account for his conduct. What then shall limit the exercise of the power confided to him? Or what security is there for the equity of his decisions.?

Section V.

The causes which may render it necessary to establish the lowest of the native judicatories in a state of such complete exemption from all superintendence and control are not before the Court, nor do they appear to have been under the contemplation of the Honorable Court of Directors, who in the 58th and 59th paragraphs of their letter, dated the 29th April 1814, treat of the Native Officers as "under a vigilant and active superintendence and control exercised by the British Government," and advert to a constant and pervading exercise of the power of superintendence as the sphere of action in which the Company's European servants can be most beneficially employed.

The difficulty of providing for the exercise of this superintendence and control, in a way which should not paralize and render inefficient the operation of these lower judicatories, has indeed appeared to be a serious obstacle to the introduction of the plan of judicature devised by the Honorable Court. Against making any provision for the exercise of the supposed superintendence and control, the Commission may have assigned reasons which may be satisfactory to the Right Honorable the Governor in Council; but the provisions, viewed abstractedly, appear to the Court calculated to secure impunity to abuse of power.

At all events this section requires amendment in as much as section XXXVI renders Village Moonsifs liable to prosecution in the Zilla Court for acts of corruption.

It may be observed generally that to commence a section with the pronoun "they" is objectionable; such a commencement must render necessary a reference to another section to ascertain of whom "they" is the representative. But this section has further been rendered obscure by an attempt to simplify the language; and it might be inferred from the wording of it that lands, whether exempt from, or liable to the payment of revenue to Government, are not considered to be either real or personal property.

Section VII.

The section does not describe correctly the nature of the property which is intended to be made subject to the cognizance of the Village Moonsif. The hereditary or acquired real property of villagers, paying a land-rent to a Zamindar, is not described in it. These persons do not pay revenue to Government; but they cannot be considered as holding lands exempted from the payment of revenue to Government, for the persons who receive the rents from the holders of these lands, out of the rents so received, pay the revenue of Government. Neither does the description contained in the section apply to lands charged with a rent to an individual, who is excused from paying a revenue to Government on account of such rent. The terms used in this section are those which in the Bengal Code, and in the Regulations passed by this Government in the year 1802, are applied to the property of persons collecting rents from lands of considerable extent, and paying a certain considerable revenue to Government; but those terms are

quite inapplicable to the property of persons paying rents directly from the lands. The two properties are perfectly distinct; and should be distinctly provided for in the Regulations. The property of the person (by whatever title designated) who pays a large revenue to Government can seldom be the subject of a suit before the Village Moonsif, but the property of the individuals who pay their rents to this person must be the subject of daily litigation in the judicatories established by this Regulation; and yet the section is wholly without a provision for suits of this nature.

The same observations apply to clause first, section IX, Regulation VII of 1809, which was adopted from Regulation XLIX of 1803 enacted by the Supreme Government.

The value of these two descriptions of property ought to be estimated upon different principles.

For estimating the value of the property of a Zemindar paying revenue to Government, and of an individual exempted from paying revenue to Government, rules are prescribed in section III, Regulation III of 1802; but for estimating the value of property belonging to individuals hereditarily occupying and cultivating the soil, no provision is made in the Regulations; and it has fallen within the observation of the Court that suits for property of this nature have been regarded as suits for Malguzary land, and the value of the land has been estimated accordingly.

Whether the estimates framed according to this rule may bear the same proportion to the real value of the property as is intended in the case of a person receiving numerous rents from extensive lands, and paying a considerable revenue to Government, the Court have not information before them to enable them to determine.

It would appear by a note in the 103rd page of Harington's analysis of the Regulations enacted by the Bengal Government that it was intended, when the Regulations were published in Bengal in the year 1793, that landed property should be estimated at ten years purchase; but by the Regulations which were published in 1814, it would appear that the value of land must have considerably increased under the operation of a settled form of Government land assessed for the public revenue being ordered to be estimated at three times its annual produce, and lands held exempt from the payment of the public revenue to Government being directed to be valued at eighteen times the amount of the computed annual produce.

It is not intended to recommend the application of these rules without qualification in the territories under this Presidency; but as they evince that landed property has considerably increased in value in Bengal under a system of executive and judicial administration which has been for a considerable time established in the territories subject to this Presidency, it appears reasonable to conclude that similar effects may have been produced in a proportionate degree on the landed interest under this Presidency; but whether to the extent of rendering it expedient to alter by a Regulation the standard of value which has been assumed for the purpose of determining the relative jurisdictions of the several courts cannot be affirmed. The circumstance is merely adverted to as manifesting the beneficial operation of this system of revenue and judicature, and as shewing that the value of landed property cannot be regarded as fixed; but that like all other property, its value will vary and improve with the circumstances of society.

With a view to determine the correct wording of this section it is necessary to consider the nature of the properties which may become the subjects of litigation before a Village Moonsif. If the Ceded Districts be taken as the example, it will perhaps be held that the cultivator generally pays his rent to the Potail on account of Government; in other words that he pays the public revenue, and therefore that his lands are Malguzary lands; but if the observation be turned to other districts, where there are large Zemindaries, the same description of people will be found enjoying the same privileges, reserving to themselves nearly the same proportion of the gross produce paying to the Potail or Head of the village or to some person entrusted with the collection on account of the Zemindar the same proportion, or nearly the same proportion as the inhabitants

of the Ceded Districts pay to the Heads of their villages on account of Government. The relative situation of this description of persons with regard to the Government may be held to be different in the different districts; but their relative situation with regard to the soil will be alike in all, with the trifling exception occasioned by either the Government in the one instance, or the individual, under whatever appellation representing it, in the other relinquishing a part of the rent in favour of the cultivator.

It follows then that to make the provision generally applicable, the term Malguzary should be construed to include all lands held subject to the payment of a rent, whether on account of Government, or of any individual holding the right of Government. But this would occasion another difficulty; for as the Regulations of 1802 were framed with a view to the general introduction of the permanent settlement of the revenue, the term Malguzary is understood to apply to the superior rights of a Zemindar or other person holding the right of Government. To apply it therefore to the property of the hereditary tenant and cultivator of the soil would be to designate opposite rights by the same appellation and consequently to produce confusion. It is therefore necessary to use some other term which shall designate only the property intended.

With regard to the term "Lakhiraj" or the phrase used by the Commission exempted from the payment of revenue to Government, its applicability to any property in the territories subject to the Government of Fort St. George may be questioned. There may perhaps be lands of this description; but, generally speaking, grants by the ruling authority are assignments of its revenue, from certain lands, not grants of the lands themselves; the proprietary right in those lands will be found very generally to be vested in, and exercised by the resident inhabitants. Under the circumstance, already noticed, of the expected introduction of the permanent settlement of the revenue, the term may be considered as intended to designate the rights of an individual receiving rents but paying no revenue out of such rents to Government, but if this be its intended acceptation it cannot be applied also to the rights of persons cultivating their lands on their own account, and paying rent to no one. These must be distinct rights. It is to be supposed that the rights of the individual receiving rents, but not paying revenue to Government, will generally be the subject of litigation in a Zilla Court, and the terms Lakhiraj and Malguzary explained as meaning respectively "exempt from the payment of revenue to Government, and subject to the payment of revenue to Government," may be considered as sufficiently defining the property of an individual in the one case and receiving rents and not paying revenue to Government, and in the other receiving rents and paying the public revenue. But in defining the property which may be the subject of daily litigation before a Village Moonsif it is necessary to be more particular.

These considerations are founded on the understood intention of the legislature, that the rights of which the several classes of inhabitants are found to be possessed, should not be infringed, but on the contrary that they should be respected and preserved, and that the proprietary right of the soil declared by section II of Regulation XXV of 1802 "to become vested in the Zemindars or other proprietors "of land and in their heirs and lawful successors for ever" is no other proprietary right than that which was exercised by the Government itself, tempered and restricted by the rights and usages of the inhabitants. To what purpose indeed, it might be asked, would the laws of the natives regarding succession, inheritance &ca. be guaranteed to them, if the value of the property in succession could be tacitly undermined and destroyed?

It is indeed of great importance that the jurisdiction intended to be vested in Village Moonsifs should be correctly defined; that they should not be permitted to assume a constructive jurisdiction over matters not intended to be submitted to them, and that the inhabitants should know the limits of their authority, and the means of resisting any illegal assumption of power. It would appear necessary to determine whether the produce of lands and privileges allotted for the support of hereditary offices, and religious and charitable establishments shall be the subject of litigation before the Village Moonsifs, yet no provision in the Regulation is applicable to lands of this description. They do not pay revenue to Government, in

the literal meaning of the term; but as the Government revenue derived from them is assigned for the remuneration of public services or for public purposes, they cannot be regarded as exempt from the payment of revenue to Government. Indeed in some of the districts the produce of the lands was resumed, and a stipend was paid to the Village Officers, and the expenses of the religious and charitable establishments were defrayed from the public treasury.

The Court have regarded these lands as service lands, and have classed them under the general term Malguzary applied to lands assessed for the public revenue; but it would seem desirable that in a Regulation intended for the guidance of Village Moonsifs, these lands should be either distinctly subjected to, or excluded from their cognizance. The Court would give the preference to their exclusion, being of opinion that the control of these assignments of the public revenue should not be withdrawn from the European administration.

These assigned lands are termed Mauniams, and by the same title are designated lands enjoyed by the owners of villages, the possession of which is regarded by the inhabitants as a testimony of ownership.

It would appear requisite to determine whether these latter constitute a private property or whether they are service lands assigned to the head inhabitants in requital of certain services exacted from them and consequently the property of the person discharging the service. The Regulation contains no specific provision on this point, and if the Commission should not have considered the subject, it may be desirable that their attention should be called to it.

If lands and privileges attached to Public Offices, as above described, be excluded from the jurisdiction of Village Moonsifs, and declared subject to the cognizance of the European tribunals only, the adjudication of claims respecting them may be specially provided for in any Regulation which the Commission may recommend. The Commission may have considered the subject, and have given satisfactory reasons for not particularly distinguishing the several kinds of property above described; in this case it will be necessary to modify the section which the Court have framed.

Section VIII.

The provision made by this section may perhaps be requisite, if the jurisdiction of the Moonsifs is to be extended to real property, but it must be observed that the effect of a like provision in regard to the Courts established by the Regulations of 1802 was to burden them with twelve years arrears of business, which had accumulated under the defective institutions of the Native Governments. The measure may be regarded as a material error. It could not have been deemed unjust, had all the old causes been referred for decision to the institutions existing when those causes originated. The Courts would then have been left free to get thro' the current business as it might arise. To give to the Village Moonsifs a retrospective jurisdiction, excepting in suits for landed property, may have the effect of clogging their proceedings, and retarding the despatch of current business in a very inconvenient degree. In Bengal it appears to have been considered expedient to limit the jurisdiction of District Moonsifs to suits for personal property, the cause of action in which may have arisen within the period of one year previously to the institution of the suit. The Court suggest that the right of instituting suits for personal property before Village Moonsifs be limited to two years instead of one year, within which period pecuniary transactions can hardly be said to be closed.

All suits for personal property in which the cause of action may have arisen above two years but within twelve years previous to preferring the claim may be declared cognizable by the District Moonsif and by him referrable to a Punchayet.

But if it be deemed expedient to adopt the proposed limitation, the wording of the clause may at least be rendered more clear and explicit, and the most admissible plea for not having instituted a suit within twelve years, namely the minority of the party, which has been altogether omitted by the Commission, may with strict justice be inserted.

The Court have prepared drafts of clauses corresponding with the foregoing suggestions respectively; and they propose that in either case the provision shall form a clause of section VII as it is in fact a part of the definition of the Village Moonsif's jurisdiction.

The meaning of this section is not clearly expressed. The first member of the sentence declares generally "Plaintiffs and defendants shall be allowed to employ vakeels before the Village Moonsif", but (it proceeds in the language of section XV, Regulation XXIII of 1814 of the Bengal Code) "no person shall be allowed to act as a vakeel before any (Village) Moonsif unless he be a relative, servant or dependant of the person for whom he may be appointed to act," and (it further adds) unless he be provided with a Vakalutnamah.

Section X.

It would seem more natural to describe the persons who may be employed as vakeels by plaintiffs and defendants, and the powers required to be furnished to them, and to be by them exhibited in order to enable the Village Moonsif to admit them.

It may be right also to strengthen the provision by a prohibition of the Moonsifs against permitting any person to act before them without producing a Vakalutnamah.

Section XII.

The three several clauses of this section are novel.

The intent of the first clause is understood to be to give to the Moonsif the command of the Curnum's services in writing his proceedings and the benefit of the Curnum's advice towards forming his judgment, leaving it to the Moonsif, however, to follow or reject that advice as he may deem proper. It does not appear to be intended that the Curnum's advice should be recorded, and if it be not recorded it will form no check whatever upon the Moonsif, but it does not appear that any such check was intended to be established. If it was the object of the clause to give assistance to the Moonsif, leaving him to avail himself of it at his discretion, the intention may be more clearly expressed.

The clause is defective in not providing the means of enforcing the attendance of the Curnum, if he should be disinclined to attend; and as the Court are unable to say whether the duties of the Curnum in the Revenue department will admit of his giving a regular attendance at the judicial proceedings of the Village Moonsif they are unprepared to supply the defect.

The result of these two clauses is that whoever holds the office of Curnum for the time being shall discharge the duties of assessor, and that the Moonsif shall not be competent to perform the functions of his office without the presence of an assessor.

The Court have endeavoured to word the section more clearly; but the practicability of the Curnums giving their attendance on the Village Moonsif in the manner proposed remains a question on which it belongs to another department to offer an opinion.

The Court object to a verbal summons as not ensuring the communication to the party summoned of such information as may enable him to come before the Moonsif prepared to answer the claim preferred against him; such summons, it is probable, will be carelessly delivered by an ignorant village servant. It is doubtful whether a ready obedience can be expected to such a mandate; and in case of disobedience, the proof of the due delivery of the summons will be difficult and unsatisfactory. But supposing the defendant to obey, his attendance will generally be useless from his ignorance of the cause for which he is summoned. It may be worse than useless by interrupting the progress of his labours for the subsistence of his family.

Section XIII.

The Court are not aware of any sufficient reason for arming a Moonsif with such compulsive authority, nor for enabling a creditor, who may have taken his own time in resorting to the public authorities for the enforcement of his claims, to harass his debtor by compelling him instantly to appear before the Moonsif, whatever inconvenience may result to him from the sudden abandonment of his occupation.

The Court would propose a written summons, drawn up and certified by the Curnum, containing the names of the parties, and a short statement of the amount or nature of the plaintiff's demand, and requiring the defendant to appear in person or by vakeel and to deliver an answer to the plaint on or before a certain day;

such a summons would prepare the defendant to meet the charge, and would enable him to attend on the Moonsif with the least inconvenience. It might be served by the village servants.

Section XV.

This section is taken from section XVII, Regulation XXIII A.D. 1814 of the Bengal Code. The word "Plaintiff" is substituted for the word "plaint" perhaps by an error on the part of the copyist, and the last line of the printed section is omitted probably as being considered redundant.

Section XVI shews that it is intended that a written plaint should be received; and the Court therefore recommend that the original reading be restored. But the sense has been obscured by the insertion before the word property of the words "or real" which leave real property to be designated by its amount instead of its value.

The immediate attendance of the defendant on receiving a verbal summons as here provided, is calculated to introduce a precipitancy in judicial proceedings which seems to the Court to be highly objectionable, and the proposal to punish a refusal to attend upon a notice, in its nature indefinite and difficult of proof, may be considered a severity uncalled for by the occasion, and therefore unwarrantable.

In a subsequent section it is provided that a period not exceeding five days shall be granted to a defendant to prepare his answer to the plaint, if he shall request such delay. There can be little doubt that it will be requested in every instance. As the verbal summons, which it is proposed to send, can hardly be more than a notice that the Moonsif requires the attendance of the party, it is to be expected that the defendant who will have to learn, on his appearance before the Moonsif, what may be the demand against him will gladly avail himself of every indulgence to which he may be entitled. A written summons communicating the nature of the demand, might in many cases enable the defendant to come prepared to answer the plaint. But it is not to be pronounced that even with this precaution it would not be reasonable in most cases to grant a further period for the preparation of the answer.

The reason for the Moonsif taking the Razeenamah and forwarding it to the District Moonsif, as provided by a subsequent section, is not obvious. This provision will have the effect of burthening the District Moonsif with records not his own. The Razeenamah might be more useful in the hands of the defendant. It might be produced in answer to all future claims on the same account; a provision to this effect may be easily added to the section.

In the first clause the language would appear to be misplaced, for it is not to be supposed that a party will agree to the adjustment of a claim until the claim has been stated to him. The words "The plaint shall be read over to the defendant" belong more properly to the beginning of section XVII.

With regard to the third clause it must be remarked that the wording of the concluding passage is obscure. It may be intended to conform to section VI of Regulation III, A.D. 1802, but that section prescribes that the Court shall examine the truth of the complaint or "claim by the oaths of the parties if they shall "mutually consent to that mode of examination." It does not appear to be intended by the section here quoted that the question shall be determined by the oath of one party, nor is it prescribed by the proposed clause that judgment shall be declared according to the statement of the party, who may be examined upon oath with the consent of the opposite party; such intention indeed, might be inferred from the use of the word "accordingly;" but in legal provisions nothing should be left to inference, that will admit of positive definition; and if such should be the intention of the proposed Regulation, it will be introducing a new principle into the Code; for the section of the existing Regulations, which permits this mode of examination, does not allow the substitution of it for any other mode of examining the truth of the complaint or claim, but adds "and of "the witnesses who may be produced by them, if they have any witnesses to produce."

It is the duty of the Court to point out this innovation, whether it may ultimately be deemed proper or not to adopt it. It certainly is worthy of consideration, whether the passing of decisions on the oath of a party unsupported

by witnesses, will not tend to encourage perjury, and whether the absence of contradiction will not render a party bold in falsehood. There appears but too much cause in the frailty of human nature to apprehend this consequence. The provision in the existing Regulations is not liable to this objection, and is accordingly recommended.

The verbal summons to the witnesses proposed in the first clause requiring instantaneous attendance on the Moonsif is liable to the same objections as were made to this mode of summoning a party. There is no reason why a witness should not be allowed to provide against the inconvenience of being called and detained from his proper occupation.

The provision against taking down the "evidence in writing unless at the special desire of either of the parties," is less objectionable than unnecessasy, for there is little room to expect that this special desire will be omitted, the ordinary practice of the natives being to proceed on written declarations.

The third clause of this section is liable to several objections.

It never can be just that the Judge should be permitted to limit the quantum of proofs which a suitor may bring forward in support of his claim, or a defendant may adduce against it; and such a power vested in the hands of any Village Judge might lead to the grossest abuses. It would enable the corrupt Moonsif to exclude from his proceedings the most valuable evidence in the suits brought before him for decision, and to pass the most unjust decrees with the appearance of impartiality. It would be better to provide that the reasonable expenses of a witness should be paid previously to the taking of his deposition than "that the number on each side should be limited to four except when the Moonsif may think further evidence necessary." It would appear also that, altho' it is intended that the depositions of witnesses shall not be ordinarily taken under the solemn sanction of an oath, the Moonsif may, at his discretion, cause an oath to be administered to a witness whom he may consider to be giving incorrect evidence. This would be in effect to lay a snare for the unwary, and to entrap a witness into perjury. It would be better in all cases to administer the oath and to let the witness see the danger he would run if detected in falsehood.

The first clause is objectionable if the word "received" be correctly written, and not intended for "revived." For an involuntary absence, a plaintiff would be harshly used in being made to lose the benefit of his number on the file; but for an absence which did not admit of an entirely satisfactory explanation the absolute rejection of the suit appears much too severe a penalty. The reasoning which would dictate such a penalty would seem to require that judgment should be given against a defendant for being absent. It would be less harsh to subject the absent plaintiff to a fine of one anna in the rupee on the amount of his claim, and allow him to commence a new suit; nor should this penalty be inflicted unless the defendant be in attendance on the court, for he only is injured by the non-attendance of the plaintiff.

Section XXII.

This section is obviously misplaced as it provides for powers and authority not to be exercised by the Village Moonsif, and it is defective as it does not provide that the Village Moonsif shall obey the orders which he may receive from the District Moonsif.

Section XXIII.

This section taken from section XXXI Regulation XXIII of 1814, of the Bengal Code differs from its original in some most important provisions; like the Bengal Regulation it requires the party to make oath that the evidence of the person neglecting to attend in obedience to the summons is material to the issue of the cause, but it vests in the Moonsif a power of levying the fines which he may impose, which power under the Bengal Regulation and all former enactments in the Madras Judicial Code can be exercised only through the intervention of the Zilla Judge. And it is proposed that this power shall be exercised by the Village Moonsif on an alleged default to attend upon a verbal summons. The Court are of opinion that this provision will be open to great abuse. If however a written summons be considered unnecessary, the verbal summons should admit of the witness making provision against the inconvenience of being called from home suddenly. Instantaneous attendance need not be insisted upon.

It may further be remarked that there does not appear to be any reason for making a distinction between the case of a witness avoiding to attend, and one refusing to give evidence when in attendance.

Section XXIV.

It does not clearly appear to what description of absent persons this provision is intended to apply. If it be intended to apply to residents in the jurisdiction of other Village Moonsifs, the inconvenience which must result to individuals from exacting their instantaneous attendance is obvious. If it be intended to apply to persons casually absent from their village on purpose of traffic &ca., it must be remarked that to recall them prematurely to give evidence in a petty suit would be to inflict a certain evil on them without ensuring a certain benefit to any person, farther than their evidence which might be obtained on their return in the due course of their avocations.

The wording of the second clause is very loose, and leaves the nature of the requisition from the Village Moonsif to the District Moonsif, of the communication of one District Moonsif to the other, and of the deposition to be taken from the witnesses equally undefined. It certainly is necessary that the names of the parties and the particular points to which the depositions of the witnesses are required should be stated to them, else the depositions taken may prove altogether irrelevant. It is equally necessary that the opposite party should have the option of furnishing cross interrogatories; for the truth may be coloured, if not altogether disguised, in the answers to interrogatories furnished by one party only.

The third clause is not more definite regarding the mode in which the deposition of a woman whose rank or caste may render it improper to require her attendance, shall be taken or attested.

It is concluded that it is not intended by either of these clauses that the witnesses shall be examined on oath, but is it intended that they shall be required to verify by oath depositions which they have given when not on oath? Is it intended that the discretionary authority vested in Village Moonsifs by clause third, section XIX shall be exercised in these cases? The Regulation is silent on this head.

Under the uncertainty which exists as to the intentions of the Commission in this respect it is not easy to frame legal provisions precisely applicable to the intended objects. An attempt has however been made to provide for all that it appears necessary to provide for.

Section XXV.

The necessity of providing against disrespect towards the Moonsif will not be denied, but whether he should be permitted to commute a fine, which might be recovered by the party fined, if wrongly imposed, for the disgrace of instant imprisonment, from which there is no appeal, is a question which ought to be well considered. The vexatious use which may be made of such a power is as obvious as the difficulty of checking it; and this difficulty arises from the new principle introduced into the code of enabling Moonsifs to levy the fines which they may impose. If the fine were to be levied only by the Judge, there would be no danger in making the fine commutable for imprisonment. The same observations indeed are applicable to section XXIII.

Section XXVII.

This section appears to be in part taken from section XL, Bengal Regulation XXIII of 1814; but differs from it in points that are material. It does not require the names of the parties to be inserted in the decree which the Court consider to be indispensable. It does not require an abstract statement of the material facts alleged in the pleadings of both parties to be inserted in the decree, whereas in the event of appeals, in cases where the evidence to the facts is not taken down in writing, the insertion of the material facts alleged, noting those which may have been established by proof and those of which the proof failed, might facilitate considerably the judgment in appeal. The section of the Bengal Regulation appears in this respect more perfect than that recommended by the Commission; and it contains a further provision for adjudging suitable costs and damages against a plaintiff preferring a claim evidently litigious and vexatious. Its adoption is therefore recommended.

Section XXVIII.

It may some times appear reasonable that time should be allowed to a defendant to discharge the amount decreed against him; but when abuse in the exercise of this authority by the Zillah Courts is

guarded against by minute precautions, it would appear proper that its exercise by a Village Moonsif should be not altogether unrestricted. He might be required to insert in the decree a statement of his reasons for exercising the power in question.

Section XXIX.

No reason appears why the copies of the Moonsif's decrees, which are to be delivered to the plantiff, and defendant should each be signed by the opposing party; nor does the Regulation contain any provision for enforcing this rule, if the parties decline to conform to it. The rule had therefore better be omitted. The reason for forwarding a copy of the decree to the District Moonsif is not obvious, and it is objectionable as increasing the quantity of writing and as burthening the District Moonsif with records not his own.

The provision contained in this clause is liable to the objection which occurs to burthening the District Moonsif with records unnecessarily. The endorsment on the copy of the decree of the refusal or omission of a party to receive it is perfectly correct.

This refusal or omission ought to influence the right of appeal. Indeed this intention is to be inferred from the succeeding section.

The section is defective in not containing a clause providing a penalty for a Moonsif's misstating or falsifying, or causing to be misstated or falsified the date and purport of the endorsement directed to be written on the copies of the decrees. The Bengal Regulation XXIII of 1814 contains this provision. The Commission may therefore have purposely omitted it, and assigned their reasons for so doing.

The Regulation is further defective in not prescribing the material on which the Village Moonsif's decree is to be written. The continuance of the use of the palmira leaf or cadjan, where it may be in common use, is unobjectionable.

Section XXX.

These clauses do not appear objectionable, except that the period for appealing should be reckoned from the delivery of the decree, not from the date of the decision, and that the second clause provides for the duty of the District Moonsif, not that of the Village Moonsif. Indeed the first clause seems to apply exclusively to the District Moonsif, whereas it would appear sufficient in this regulation to provide that an appeal shall lie from the decision of the Village Moonsifs to District Moonsifs, under the rules prescribed regarding appeals in the Regulation passed for the guidance of those officers.

Third clause.

This clause implies that the Village Moonsif is vested with authority to enforce his decree in every instance. It will be seen however that the Village Moonsif is not vested with such authority. The clause therefore requires modification.

Fourth clause.

This clause is indefinite It does not point out to whom the appellant is to pay the institution fee in the first instance, while the concluding sentence of the clause provides that the Zillah Judge shall pay it to the Moonsif on the decision of the suit, without its appearing how the institution fee is to come into the Judge's hands. Is the appellant to pay it to the Judge?

All ambiguity would be removed by prescribing that the appellant shall pay the institution fee to the District Moonsif, and that the latter shall remit the amount collected by him on account of institution fees in each month with his report to the Zilla Judge, but the provision will appear with more propriety in the Regulation prescribing the duties of the District Moonsif.

Section XXXI.

This section properly belongs to the Regulation prescribing the duties of the District Moonsif.

Section XXXII.

This section belongs properly to the Regulation prescribing the powers, authority, and duties of the District Moonsifs.

Section XXXVI.

This section appears to the Court defective in not providing for the dismission of Moonsifs proved to have been guilty of corruption. The continuance of such persons in office would be highly detrimental to the character of the judicial institutions under the British Government; and if a Moonsif be not detected in every third instance of corruption on an average, he may still drive profitable trade. The dismissal of a corrupt Moonsif would appear the best guarantee against a repetition of the offence, and might be expected also to operate forcibly in deterring others from the commission of similar acts.

The efficiency of this section may be doubted, for few men will pay when they can withhold their money. And if the decree is to be executed only when it can be done without attaching the property of the defendant or party cast, there is little room to expect that the Village Moonsif will ever execute a decree.

Section XXXVII.

Is the Village Moonsif at liberty to attach the person without attaching the property, leaving the party cast to satisfy the judgment by the surrender of his property? The Village Moonsif is empowered to confine in other instances; he is not prohibited from exercising the same power in this instance, may not some Moonsifs infer that they have this authority, and may not confusion and distress result from the abuse of it?

Section XXXV prohibits a Village Moonsif from confining any party, vakeel or witness except under the provisions specified in sections XXIII and XXV and those sections provide imprisonment in commutation of fine. Is it to be expected that a Village Moonsif will infer that he is prohibited from confining a party for the purpose of enforcing his decree? If he do draw such inference, then there is no mode provided of carrying his decree into execution. It is left to the voluntary submission of the party, or the interposition of the District Moonsif must be called for, and that officer's jurisdiction extends only to the sale of property.

Some thing is wanting in the clauses of this section. It does not appear clearly whether the peon deputed by the District Moonsif to sell the property attached by the Village Moonsif, is to be in any respect under the control of the Village Moonsif; on the contrary it is presumable from the first clause that the Village Moonsif on attaching the property would have acted to the utmost extent of his authority, and that the peon of the District Moonsif would complete the process by effecting the sale. The third clause, however, does not support this construction. It requires the Village Moonsif to give notice of the intended sale five days previous to the sale, and would therefore lead to the inference that the day of sale must be fixed by the Village Moonsif, and that the peon dispatched by the District Moonsif will be, in respect to the day of sale at least, under the orders of the Village Moonsif, yet it is not so stated in the Regulation. There is room for contention between the peon and the Village Moonsif, which it must be desirable to remove. There does not appear any objection to making the peon subordinate to the Village Moonsif.

Section XXXVIII.

It may perhaps be doubted whether District Moonsif may be able, in every case, to send a peon within one day after receiving notice of the attachment of the property, and in this case it may be expedient to legalize the sending a peon as soon afterwards as it might be practicable.

It appears also necessary to provide for the custody of the property in attachment until the right to it shall be transferred by a public sale by auction. It is concluded that the intention of the Commission is that the property should continue to be held in attachment by the Village Moonsif, until disposed of, and that the duty of the peon deputed by the District Moonsif shall be limited to selling the property; but as the peon is to be deputed by a superior authority, and is not forbidden by the Regulation from assuming charge of the property, it is to be apprehended that he will be inclined to assume the power, which is not expressly denied; and that this omission may form a ground of contention between the peon and the Village Moonsif.

It is therefore proposed that the relative powers and duties of the several authorities abovementioned should be more distinctly defined.

Important objections to this section exist in the opinion of the Court founded on the general inexpediency of encouraging litigation, a question which the Court will refrain from discussing in this place.

Section XL.

The observations stated regarding section VII apply equally to this section; and it is suggested that the first clause should be modified as there proposed.

Section XLII.

With regard to the second and third clauses it is recommended that the term Village Moonsif be substituted for the pronoun.

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No provision is made for enforcing the decrees of Village Moonsifs in the cases to which these provisions refer; the opinion of the Commission on this point is not before the Court.

Section XLIII.

In this section the Zilla Judge is mentioned for the first time with reference to the Village Moonsif, and he is prohibited from reversing decrees, which it does not appear by any other part of the Regulation that he can ever have before him. Perhaps it is intended that these particular decrees only shall be appealable to the Zilla Judges; for it is provided by section XXX that appeals from the decisions of the Village Moonsifs shall be to the District Moonsifs, and by section XXXI, the decisions of the District Moonsifs, on appeals from the decisions of Village Moonsifs shall be final.

It does not therefore appear how the decisions of the Village Moonsifs can come before the Zilla Judges at all. If it be intended that cases of the nature described in the preceding section should be brought under the view of the Zilla Judges previously to the decrees on them being carried into execution, some provision expressive of such intention is certainly necessary. But is it intended that these particular cases should not be appealable to the District Moonsifs? If such be the intention, a provision to this effect is also necessary. These omissions are defects which cannot be supplied by inference, and it would therefore appear proper to call the attention of the Commission to them and to require a declaration of their intention in framing this section.

Section XLIV.

These clauses are framed upon the second and third clauses, section LIX, Bengal Regulation XXIII of 1814, from which however they differ in assigning to the Village Moonsifs powers which the Bengal Regulation has assigned to the District Moonsifs. The Court do not conceive it probable that the reference here provided for will often come before the Zilla Law Officers in such form as to enable them to declare the Law on the particular points to which its application is required, and in cases of inheritance it must be of the greatest importance that decisions, which may affect directly the rights of many, and by implication those of many others should be strictly correct. The unravelling of a multiplicity of ill-stated cases, with the probable necessity of repeated reference for farther information, appears likely to interfere very inconveniently with the duties of the Law officers of the Zilla Courts.

Section XLV.

This clause appears to be taken from section XXXVIII of Regulation XXIII, A.D. 1814 of the Bengal code. Its operation should be confined to documents written subsequently to the promulgation of the Stamp Regulation.

Section XLVI.

The month intended to be used is not here defined. The English fusly year of accounts ends on the 12th of July but the last day of the Hindu or Mahomedan month may not correspond with that day. The use of the calendar month, which is enjoined by the existing Regulations, is not prohibited in this and if it is to be continued by the Native Judical Officers in one respect it may as well be followed altogether; and these reports be made up to the 30th June and 31st December in order to correspond with the reports furnished by the Zilla and Provincial Courts.

It does not appear from what materials the reports are to be formed, for it is no where enjoined that a file of record shall be kept, though in directing that a report shall be made in a particular form the existence of a file would seem to be implied.

Regulation II.

The title prefixed to the second Regulation does not describe the Regulation, which is not a regulation for authorizing Village Moonsifs to try by Punchayet, Civil suits for real and personal property. There is no part of the Regulation which authorizes a Village Moonsif to conduct or interfere in any respect with the trial of such suits. It does not appear that he is to be present during any part of the trial, and the contrary is inferable from provisions contained in sections XX and XXI, the former providing that "when the whole of the evidence has been "gone thro', the Village Punchayet shall direct the parties and witnesses to "withdraw and *shall deliberate in private*."

The Village Moonsif is not ordered to withdraw, but all idea of his being present at such private deliberation is destroyed by the following section, which prescribes "that three copies of the decree shall be prepared by the Village "Punchayet, attested by their respective signatures. They shall be put under "a sealed cover and delivered to the Village Moonsif, who shall send for the "parties without delay, open the seal in their presence and cause the Punchayet "to deliver to each in his presence a copy of the decree; but no communication "shall be made to the Village Moonsif or to either party on the nature of the "decree previously to its delivery. A third copy of the decree with the docu-"ments and proceedings shall be transmitted by the Village Moonsif within three "days from its date to the District Moonsif to be forwarded with the monthly "reports to the Zilla Judge."

It does not even appear that the decree is to be read in the presence of the Moonsif.

By section XXVIII it is provided that "the decisions of the Village Puncha-"yets shall be carried into execution by the Village Moonsif under the rules "prescribed by section XXXVIII, Regulation II, provided the amount of the "decision do not exceed one hundred Arcot rupees." By the section last quoted the powers of the Village Moonsif are limited to the attaching of the property giving notice of the attachment to the District Moonsif, and fixing the day of sale. In this respect he is a ministerial, not a judicial officer. The Moonsif is mentioned in section XVII connectedly with the Punchayet, and both are prohibited from requiring securities from defendants in suits depending before the Village Punchayet; but this is the only provision on which a supposition can be raised that the Moonsif is at all concerned in the trial, and it refers only to securities: and instead of conferring any authority on the Moonsif to require securities, it interdicts the assumption of such an authority either by the Moonsif or by the Punchayet. The inference that the Moonsif has any thing to do with conducting the trial cannot therefore be deduced from this provision.

In the following section XVIII it is provided that in "cases in which the answer shall have been delivered to the Punchayet and the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial the *Punchayet* shall *suspend* the trial and the Village Moonsif shall cause to be affixed in some conspicuous place of the village a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice".

Here again the Moonsif appears acting ministerially for the Punchayet.

By section XIX the Village Moonsif is enjoined to pursue the same means for procuring the attendance of witnesses before the Punchayet, and for punishing contempts of the Punchayet, as he would resort to, if the suits were under trial before himself and the presence of the witnesses were required, or the contempt had occurred before him, and in these several instances which have been mentioned consists the whole extent of his agency after assembling the Punchayet. In no part of the Regulation is the Moonsif to be found presiding as Judge in the Punchayet. He therefore does not try Civil suits by Punchayet.

The preamble to the Regulation is objectionable as not "stating the reasons "for its being enacted." A person reading "it being deemed expedient to promote "the decision not only of petty suits but of suits of every description, and it being "necessary for this purpose to call into operation the ancient institution of trial "by Punchayet &ca" would be naturally led to the inference that the decision of petty suits only had been provided for by the former institutions of the British Government; but this is not consistent with the truth; for property to a large amount is held under decrees passed by the Courts of Judicature, and the Native Commissioners acting under them; such an implied stigma on the British Government ought not therefore to be allowed to stand recorded in the Regulations. With regard to the Heads of villages whom it is proposed to render useful and respectable "by employing them in administering justice to their neighbours" they have been declared by the first Regulation to be Village Moonsifs, and it has been shewn that the only share they have in administering justice, under the provisions of the Regulation, is in referring suits to Punchayets for their decision and in carrying the decision into execution.

This section exhibits a mixture of the authority granted to every Village Moonsif, as is stated "in virtue of his office," and therefore not by this Regulation, and of the duty of some public officer to furnish to him a copy of the Regulation for his guidance to be lodged with the Village Curnum.

Section II.

Two sections are proposed to be substituted, one consisting of two and the other of six clauses defining the cases in which Punchayets shall be assembled, and the mode of forming those assemblies. In the several clauses of these sections the suggestions of the Commission, diffused thro' separate sections,* are retained, but an attempt has been made to convey them in language more clear and precise and consequently more easy of translation.

* Sections IV, VIII, IX and XXIII.

The considerable alteration of arrangement which has been made in the proposed sections would have rendered it necessary to new-model the whole Regulation, even if there had been no objection to the remaining parts of it. This has accordingly been done, retaining nearly all the provisions made by the Commission, on some of which however it is necessary to remark. Of the provisions contained in the first Regulation, which have been objected to and which are repeated in the second, it is unnecessary to speak.

The fourth section of the draft now proposed consists of thirteen clauses comprehending the duties of the Punchayets assembled on the requisition of one of the parties to a suit. The only thing new in this section is the seventh clause, which provides for an immediate communication by the Punchayet to the Moonsif of the list of witnesses in order that he may summon them to attend to Punchayet. This provision is not found in the Regulation prepared by the Commission but it appears to be necessary.

The limitation of the number of witnesses has been omitted from the tenth clause for the reasons given in the examination of the first Regulation.

Section V of the draft is nearly conformable to section XIX of the Regulation prepared by the Commission.

Section VI contains the provision made by the Commission in section XX except that it does not enjoin the Punchayet to deliberate in private. The ordering of the parties and witnesses to withdraw however, and the prohibition contained in section VIII of the draft against a communication of the decree to the Moonsif or to either party previously to its delivery must be held to sanction this privacy of deliberation.

Sections VII, VIII, IX, X, XI, and XII do not appear to require particular explanation. They contain provisions made by the Commission, altho' the order of them is changed.

In sections XIII and XIV a distinct provision is made for referring suits to the decision of a Punchayet by the joint desire of the parties. The objection to the selection of two members by the parties has not been preserved, because the reason for such objection is not stated. In Regulation XXII of 1802 the "Courts "are directed to endeavour to prevail upon parties to submit their cause to the "arbitration of one person to be mutually agreed upon by them," but no objection whatever is expressed to the choice of the arbitrators by the parties. The Commission may perhaps have assigned reasons for this objection, which do not appear in the Regulation.

In section XV is preserved the option allowed to parties who may have proved corruption against the Punchayet of having "recourse to another Punchayet or to any competent jurisdiction, " but there is some thing very vague in the latter provision, which promises but little gratification to a suitor ; to be deceived and injured by a Punchayet is the purchase of a privilege to commence a new litigation in a Court of Judicature. It forms a case however difficult to be provided for.

Section XVI is nearly the same with section XXIX of the draft furnished by the Commission, and provides in addition that either paper or cadjan leaves may be used for writing the decree upon.

The remaining sections of the Regulation do not seem to require explanation. They contain provisions which are to be found in the Regulation proposed by the Commission, but which have necessarily fallen into a different arrangement in consequence of the alterations proposed in the former sections of that Regulation.

Regulation III.

The third Regulation proposed by the Commission is compiled chiefly from Regulation XXIII of 1814 of the Bengal Code, which has been introduced into practice and is applicable to the same description of people as those whom it is intended to employ in the territories under this Presidency to discharge the duties for which it provides. The examination of it therefore need not be long, but there are provisions in the draft which require to be noticed as apparently differing from the general spirit of the Regulation.

Preamble.

The Bengal Regulation from which this draft is compiled comprehends with certain amendments and modifications "the several rules which have been passed regarding the office of Moonsifs or Native Commissioners and Sudder Ameens or Head Commissioners" &ca. but this draft although by section II all the existing enactments respecting Sudder Ameens rescinded, provides only for the office of Moonsifs or Native Commissioners, the modification of the rules regarding Sudder Ameens being reserved for a separate Regulation. It would be proper therefore to omit from this preamble the words of Sudder Ameens or Head Commissioners.

Section II.

As the provisions of this Regulation have no reference whatever to the office of Sudder Ameens, the Court would recommend that this section should be limited to the rescindment of such parts only of the existing Regulations as relate to the office of Moonsifs or Native Commissioners.

Section V.

This clause is taken with some modifications from clause first, section VI of the Bengal Regulation abovementioned; the Court would propose the omission of the words "or *vice versa*" the meaning of which in this place is not very apparent.

Section XI.

The definition of real and personal property contained in this section is defective, and liable to all the objections stated in the Court's remarks upon section VII of the first Regulation.

Section XII, Third clause.

This clause is copied *verbatim* from clause third, section XIII of the Bengal Regulation abovementioned; but the meaning would be better expressed by declaring that no person shall be admitted to plead *in formâ pauperis* in any suit before the District Moonsifs. A person's being desirous of preferring a suit *in formâ pauperis* is not a sufficient ground for excluding the suit.

Section XIV.

The Court would recommend a different arrangement of these two clauses making the second first and the first second. To the first clause the same observations are applicable as were made in respect to section X of the first Regulation.

Section XV.

The Court have given their reasons for objecting to retrospective jurisdiction in the instance of the Village Moonsifs; and if it should be deemed proper to confine the retrospect to a shorter period in their instance, the application of the same measure to the District Moonsifs is recommended, as tending to prevent the accumulation of arrears of business in the lower courts.

Section XIX.

This section corresponds with section XVIII of the Bengal Regulation above quoted, except that it omits the injunction to the Moonsifs to discourage as much as possible the insertion in the plaint of terms of abuse and reproach against the character of the defendants or others. "The Commission may have considered these to be included among the irrelevant matter as they undoubtedly are; and the Regulation should be so interpreted; but the insertion of such terms in the pleadings of the higher courts has been by no means uncommon, and its prevalence in the proceedings of the lower tribunals is to be expected. Terms of abuse and reproach are indeed among the common modes of advocacy in India and when a party has paid for the stamp paper on which they are recorded, he thinks it very hard to have his paper returned to him and to be told that he has thrown his money away.

To have been too strict in the first instance in repressing a practice, which the parties regarded as nothing more than a common form, would have been to deal harshly with them, but this impropriety will in the course of business be removed from the records, and it may not perhaps be necessary to perpetuate the recollection of it by an act of the Government. A precept from the Sudder Adalet may be sufficient to improve the records of the Provincial and Zillah Courts; and a due notice by the latter of any impropriety in language in the proceedings which may come before them from the lower judicatories will check and ultimately destroy it in practice.

Section XX.

This section corresponds with section XIX of the Bengal Regulation with the exception of the latter part of the last clause which in the Bengal Regulation requires that the service of the notice on the defendant shall be witnessed and certified, a formality which the Commission would appear to consider unnecessary when the defendant shall acknowledge the service of the notice by his signature.

Section XXII.

In this section are united the two clauses of section XXI of the Bengal Regulation, so modified however as to leave the proof of the service of the notice on the defendant rather too vague and uncertain. The District Moonsif is merely required to satisfy his mind that the notice was duly served, but the mode by which this satisfaction is to be obtained is not stated; and it is to be apprehended that his mind may be too easily satisfied of the default of the defendant. This laxity of provision arises from the omission from section XX of the corroborative evidence of the service of the notice which is required by the Bengal Regulation, and the Court are of opinion that the proposed Regulation would be more perfect, if the omitted parts of the Bengal Regulation were restored, substituting only the terms and appellations employed to designate individuals and officers under this Presidency, for those which are in common use in Bengal, such as the Curnum for the Putwary and the Thanadar for the Mahalladar.

Section XXIV.

The first part of this section corresponds with the first part of section XXIII of the Bengal Regulation with exception to the prohibition against the attachment of a defendant's property. The latter parts of the sections differ in the authority granted to the Moonsifs who by the Bengal Regulation are required to report the circumstances of each case to the Judge, and by the draft under consideration "are empowered to attach the defendant's property to the amount of the claim and to hold it in attachment till the decree is satisfied."

The Court have in another part of these proceedings stated their opinion of the inexpediency of vesting uncontrolled authority in the Native Judges; and they have observed that the granting of such power is not in conformity with the instructions of the Hon'ble Court of Directors. It may be perhaps less dangerous in the hands of District than of Village Moonsifs, as District Moonsifs are declared to be liable to dismission which is not the case with the Village Moonsifs.

Section XXVI.

The first part of this section corresponds with the first clause of section XXV, of the Bengal Regulation except that the mention of terms of abuse and reproach against the character of the parties or other persons is omitted. The same omission was noticed in speaking of the plaint.

The concluding part of the section limits the pleadings to the answer of the defendant in which respect it differs altogether from the Bengal Regulation. The pleadings will be shortened in the first instance by this Regulation, but whether it will tend to bring the matter to a clear and distinct issue is a different question altogether.

If the preference be given to a speedy discharge of the District Moonsif's file over a correct and satisfactory administration of justice, then not a doubt can be entertained with respect to the expediency of the proposed measure; but it may be still questioned whether the expedient will not be merely temporary and whether it will not multiply the grounds of appeal.

If however the preference be given to a correct administration of justice which shall at least have the best chance of satisfying the parties and thereby relieving the Zillah Courts from numerous appeals, as little doubt can be entertained that District Moonsifs ought to have the fullest information, in the pleadings, of the points on which the parties are at issue, and which they intend to sustain by evidence.

A reference to the second, third, fourth, and fifth clauses of section XXV of the Bengal Regulation XXIII A.D. 1814 is recommended as they describe the cases in which it may be necessary to amplify the pleadings and the mode in which they ought to be brought to a conclusion.

Section XXXII.

The clauses of this section correspond with those of section XXXI of the Bengal Regulation, except that in the latter fines are declared leviable under the general Regulations in force for the execution of decrees, and in the draft the special rules contained in it are referred to. The alteration is necessary. It may be doubted, however, whether the Commission intended to adopt that part of the third clause by which a Moonsif is strictly prohibited from realizing fines by his own authority. If such be their intention section LIII of the draft will require modification.

Section XXXIII.

The first clause of this section corresponds with the first clause of section XXXII of the Bengal Regulation but the second clause differs materially from the second clause of the section in the Bengal Regulation, as in that the several modes prescribed for taking the evidence of persons whom it would be improper for whatever reason to call personally into court are referred to, whereas the clause in the draft states that the Judge will proceed to obtain the evidence of the witness in the mode prescribed in the preceding clause. The first clause will be found to prescribe the mode of procuring the attendance of a witness; thus then the section ordains that the Judge shall proceed to obtain the evidence of a person exempt, for whatever cause, from giving personal attendance in the mode prescribed for procuring his personal attendance.

The Court apprehend that some error must have occurred in this section, and recommend that the principle of the Bengal provision be adopted which will make it necessary to refer to section VII, Regulation III, A.D. 1802.

By section XXIV of the first Regulation proposed by the Commission the District Moonsifs are authorized on the application of a Village Moonsif to obtain without the intervention of the Zillah Judge the evidence of persons not residing within their jurisdiction.

By the section now under consideration, the District Moonsifs, if they shall require the evidence of a person not residing within their jurisdiction, are directed to make application to the Zillah Judge who will issue the necessary process, &ca. The grounds upon which the District Moonsif's authority is limited in one case and not in the other are not apparent.

Section XXXIV.

This section corresponds with the section XXXIV of the Bengal Regulation, except in the discretion which is vested in the District Moonsifs of administering oaths (when they deem it necessary). This provision is liable to the observations which were recorded regarding a similar provision in the first Regulation proposed by the Commission.

Section XXXV.

This section corresponds with section XXXV of the Bengal Regulation and would appear to do away the necessity for the discretion vested in the District Moonsifs by the preceding section. If the parties choose to abide by the declarations of their witnesses, unsupported by an oath, there does not appear to be any objection to it. The mutual agreement of the parties however may be regarded as of very doubtful occurrence.

Section XXXVII.

The second clause limits the number of witnesses to be examined, a provision on which the Court have recorded their opinion in their examination of the first Regulation.

Section XXXVIII.

The first clause of this section corresponds with the first clause of section XXXVIII of the Bengal Regulation.

The second differs from that of the Bengal Regulation in requiring the Judges to furnish to the District Moonsifs copies of all Regulations regarding stampt paper and stampt cadjans instead of permitting the Moonsifs to refer for the opinion of the Judges any document of which he may entertain doubts as to its being written on the prescribed stampt paper. The Court give the preference to the clause proposed by the Commission, as it will relieve the Judges from unnecessary applications.

The third clause corresponds with the third clause of the section in Bengal Regulation.

Section XLVI.

This section provides that there shall be no appeal from the decision of a District Moonsif unless the amount or value of the property decreed or disallowed exceed ten Arcot rupees "*as calculated* in section VII, Regulation II, 1815." This phrase runs through all the Regulations which refer to the same section, and is erroneous, for there is no calculation in the section referred to, which contains the rules for calculating. The rules for performing the operation, and the operation itself are confounded by this reference.

Section XLVII.

This section is conformable to the fourth clause of section XLV of the Bengal Regulation, except that it provides that the suspension of the Moonsif's decree shall be dependent on the orders of the Judge instead of on the rules in force. The provision appears conformable to the orders of the Hon'ble Court of Directors; but to render it effectual a further provision is necessary, that the Moonsif shall not carry his decree into execution until after the lapse of sufficient time allowed for the receipt of orders from the Zillah Judge. This provision might be added to section XLV.

Section LIII.

It has been already noticed that this section and section XXXII do not perfectly agree. A provision added to this section that the fines shall have been previously confirmed by the Zillah Judge or the excision from section XXXII of the prohibition imposed on the District Moonsif is necessary. The latter would appear conformable to the spirit in which these Regulations are drafted; for when a Village Moonsif is allowed to levy fines, there does not appear any reasonable ground for denying that authority to a District Moonsif, who in qualifications at least, if not in character will be generally superior to the Village Moonsif, and who in fact is vested with authority in other respects superior to that of the Village Moonsif.

Section LV.

The first clause of this section corresponds with the first clause of section LVI of the Bengal Regulation with the exception of requiring the petition of appeal to be written on stampt paper which appears to be perfectly proper.

The second clause corresponds with the second clause of the section above quoted with the exception of the last line, which comes in rather abruptly in the middle of the provisions regarding the preferring and receiving appeals. The provision would naturally form the last clause of the section.

Section LIX.

The wording of the several clauses of this section appears to be too loose and indefinite, and the arrangement is defective. The bond prescribed by the second clause has no penalty attached to the breach of its obligations. The reasons for levying from the defendant one half of the institution fee, as provided by the fifth clause are not apparent, and the reasoning which would justify the imposition of such a tax on the defendant in these cases would justify it in all. It can scarcely be expected that a defendant will agree to refer a cause to the arbitration of a Moonsif if such reference is to subject him in the first instance to an expense, from which he would be free, if the suit were to be tried in the ordinary manner.

The provisions of the fourth clause should be made the subject of a separate section.

Section LX.

The two clauses of this section appear to be taken from section XIII of Regulation VII A.D. 1809. There appears no objection to the principle of remuneration established for the Moonsifs but it may be doubted whether the suits on which the fees are to be paid to the District Moonsif and those on which the fees are not to be paid to them are so well defined

as they are in the original section. The proposed section is concise, and positive, and as the enforcement of it rests with the Zillah Courts and not with the Moonsifs there is no danger from its being misinterpreted by the latter. Its conciseness may therefore be considered to give it the preference.

Regulation IV.

This Regulation is nearly a counterpart of the second Regulation. It empowers District Moonsifs to assemble Punchayets for the adjudication of Civil suits under rules and restrictions similar to those prescribed by the second Regulation for assembling Village Punchayets, but enlarging the jurisdiction, and authorizing the levy of an institution fee and the payment of batta to witnesses and to the members of Punchayets.

Upon the provisions of this Regulation which are not contained in the second Regulation the Court have to offer a few observations.

By clause second, section IV, it is provided that the District Moonsif shall levy from the party requiring the Punchayet a fee of half an anna in the rupee on the amount or value of the property in dispute. The defendant may be the party requiring the Punchayet, and the reason why he should be burthened in the first instance by the payment of the fee is not at all obvious. The professed object of the Regulation is to promote the reference of suits to Punchayets; but the provision abovementioned is calculated to defeat that object, for it can hardly be expected that a defendant will require to have the matter in dispute referred to a Punchayet, if the reference is to subject him to an expense from which in the ordinary course of proceeding he would be free, at all events until the suit should be decided. The disbursement of the fee by the defendant in the first instance must be considered as a tax paid for the privilege of having the claim which is made against him, adjudicated by a particular tribunal, and as it must be supposed that justice is equally administered by all the tribunals authorized by the British Government, it may be doubted whether a defendant will in any case think the privilege worth the purchase.

Nearly the same observations are applicable to clause second, section V, by which it is provided that when both parties agree to have the matter in dispute referred to a Punchayet, half of the institution fee shall be paid by each party respectively. The Court objected to a similar provision contained in section LIX, Regulation III. In the draft prepared by the Court the institution fee is in all cases made payable by the plaintiff in the first instance.

The institution fee payable under clause second, section IV, in cases where one party only requires a Punchayet is at the rate of some thing more than three per cent, and the institution fee payable under clause second, section V, is at the rate of one per cent, or taken at an average, it may perhaps be calculated at 1½ per cent. The Court are not aware of any reason for making this distinction and as the amount of the institution fee collected in these cases is to be appropriated as a compensation to the District Moonsifs, it may perhaps be apprehended that they will use their influence to prevent parties from agreeing to have their differences referred to a Punchayet under the provisions of section V. At all events it will be to their interest to do so in all cases wherein the matter in dispute does not exceed the amount or value cognizable by themselves.

Sections XXVII, XXVIII, and XXIX which provide for the payment of batta to members of Punchayets and to witnesses are so loosely worded as to leave the intention of the Commission in several respects extremely doubtful. From the first part of section XXVII which prescribes that "Every member of a District Punchayet shall receive *daily* from the date of his leaving his village, until his return batta at the rate of from one anna to a quarter of a rupee per diem according to his situation in life it is to be inferred that this batta is to be paid to him *daily*; but this inference is done away by the following part of the section which prescribes that "the batta is to be collected without delay from the party cast," and of course not till the decision shall have been passed.

Section XXVIII provides that the batta to witnesses shall be "paid by "the order of the District Moonsif by the party at whose instance they are "summoned". It is not specified that the witnesses, like the members of the

Punchayet, shall receive this batta *daily*; but as it is made payable by the party on whose behalf they may have been summoned; it may perhaps be inferred that such was the intention of the Commission.

By the two sections abovementioned it is provided that the batta to be allowed to members of Punchayets and to witnesses shall be at the rate of from one anna to a quarter of a rupee per diem according to their situation in life; but it is not stated whether the Moonsif or any one else is to be vested with authority to determine the rate of batta to be allowed in these cases. The Court conclude that it was intended to vest the Moonsif with this authority.

Section XXIX provides that "the amount of the institution fee, the batta "to members of the Punchayet, and to witnesses and of any necessary charge for "paper shall be specified in the District Punchayet's decree and shall be paid by "the party cast."

That the amount of batta to members of the Punchayet should be paid by the party cast was provided before, and therefore need not be repeated. But if the Court have conjectured rightly that the Commission intended to vest the District Moonsif with the power of determining the rate of batta to be paid to each witness and to each member of the Punchayet, and to place the collection and disbursement of the amount under his superintendence and control, it would seem more regular that he should certify on the back of the decree the particulars which by the section under consideration the Punchayet are required to insert in the body of it.

Regulation V.

This Regulation is entitled a "Regulation for the appointment of the Hindoo "Law officers of the Provincial Courts, and the Mahomedan and Hindoo Law "Officers of the Zillah Courts to be Sudder Ameens or Head referees for the trial of "referred causes to the amount or value of three hundred Arcot rupees."

Section IX, Regulation VII of 1809, authorized the appointment of a Sudder Ameen or Head Native Commissioner in any Zillah wherein such appointment might appear advisable, for the trial of suits referred to him by the Zillah Judge for personal or real property not exceeding in amount or value one hundred Arcot rupees, and Regulation X of 1809 constituted the Mahomedan and Hindoo Law Officers of the Zillah Courts to be Sudder Ameens or Head Native Commissioners *ex officio*, and made farther provision for the appointment of Head Native Commissioners in the several Zillahs.

Section II of the third Regulation proposed by the Commission rescinded, as was observed in the Court's remarks on that Regulation, all the existing enactments respecting Sudder Ameens, and in this Regulation they have not provided for the appointment of any Head Native Commissioners in addition to the Hindoo Law Officers of the Provincial Courts, and the Mahommedan and Hindoo Law Officers of the Zillah Courts; nor have they provided for the recall of the Sunnuds which have been granted under section IX, Regulation VIII, and section VI, Regulation X of 1809. The Court know not what are the intentions of the Commission; but they recommend that the Sunnuds of the Sudder Ameens appointed under the sections above quoted be recalled and cancelled, and that other Sunnuds be granted to them; and that the Provincial Court on the representation of the Zillah Judge be empowered to authorize the appointment of Sudder Ameens in addition to the Law Officers of the Zillah Court in any Zillah where such appointment may appear expedient.

The Court doubt the expediency of appointing the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens." The benefit of such appointment is confined to one Zillah of each division, and in cases of appeal from his decree a reference to the Law Officers of the Sudder Court will be necessary on all points of Law, which reference must always tend to retard the final decision of the suit. It appears to be farther objectionable as rendering the Hindoo Law Officer of the Provincial Court in some respects subject to the authority of the Zillah Judge.

It can scarcely be necessary to point out that the title prefixed to this Regulation is objectionable as leading to the inference that the Mahomedan and Hindoo Law Officers of the Zillah Courts did not before hold the situation of Sudder Ameen.

The Mahomedan and Hindoo Law Officers of the Zillah Courts, and the Hindu Law Officers of the Provincial Courts being constituted Sudder Ameens *ex officio*, it does not appear necessary to administer to them the oath prescribed by section IV of the draft now under consideration; but if it should be deemed requisite to take a special oath from these officers, the Court would recommend a modification of the form contained in appendix No. 1 which is copied from the form No. 8 of the appendix to the Bengal Regulation XXIII of 1814, and is applicable to persons entrusted with the performance of duties in addition to the trial and decision of referred cases, and not provided for in the Regulation proposed by the Commission. The Court are of opinion that the duties in question might with considerable advantage be entrusted to Sudder Ameens officiating in the several Zillahs under this Presidency, and that the Zillah Judges whenever the adjustment of accounts regarding the execution of decrees, and mercantile or revenue transactions, or the investigation of disputes between landlord and tenant or of other special matters of account, fact, or usage may be requisite, should be authorized to refer such matters to the Sudder Ameens for adjustment or investigation and report under the rules and restrictions specified in sections LXXVI and LXXVII, Bengal Regulation XXIII of 1814.

The draft now under consideration is chiefly composed of extracts from the Bengal Regulation XXIII, 1814, from which the third Regulation proposed by the Commission was taken, but several of the provisions contained in the Bengal Regulation being omitted, and the proposed enactments respecting the office of Sudder Ameens being disjoined from those regarding Moonsifs, the draft is in many respects defective. For the rules which are to regulate the proceedings of the Sudder Ameens in the trial and decision of original suits and appeals, reference is made to the provisions enacted for the guidance of the Zillah Courts in such cases, and thus by far the greater and most important part of the enactments, which it deeply concerns the Sudder Ameens to know, must be looked for in other Regulations. The draft is further defective in not providing for cases in which the Sudder Ameens may be guilty of gross partiality or corruption, or of other misconduct in the discharge of their duties.

As it is proposed to rescind the rules by which Sudder Ameens have been hitherto guided in the trial and determination of causes, it is no doubt necessary either to enact new rules, or to declare enactments already made applicable to them in the discharge of their duty. To refer them to the rules prescribed for the guidance of Zillah Courts in the trial and determination of original suits will be attended with inconvenience, as those rules are scattered through several Regulations and it would be more convenient, and at the same time more conformable to the general principles of the code, to refer them to such sections of the third Regulation proposed by the Commission as define the powers to be exercised by the District Moonsifs in similar cases.

Nearly the same observations are applicable to the rules for trying and determining appeals. Instead of referring Sudder Ameens to the rules prescribed for the guidance of the Zillah Courts in such cases, it would be better, in the opinion of the Court, to refer them to such sections of the third Regulation as describe the mode of proceeding to be observed by the District Moonsifs in trying and determining appeals from the decisions of the Village Moonsifs.

Regulation VI.

This Regulation, which is " entitled a Regulation for authorizing Collectors " of Zillahs to refer for trial and decision by Punchayet disputes respecting the boundaries of villages " does not provide for the relative powers and duties of " the Collector, the Moonsif, and the Punchayet with sufficient clearness and precision.

The second section which grants authority to the Collector to refer disputes respecting boundaries to a Village or District Punchayet, does not define whether the Punchayet is to be formed by the Moonsif in either case or by the Collector.

By the third section it is declared, that in cases wherein one of the parties shall decline a reference to a Village Punchayet, and either of them shall claim a reference to a District Punchayet, the Collector "shall refer the case to the District "Moonsif who shall cause it to be tried by a District Punchayet under the "provisions of Regulation IV of 1815." It may be inferred therefore that the reference to the Village Punchayet was intended to be made in the same manner.

Section IV prescribes that a copy of the decree of the Village or District Punchayet shall be sent to the Collector, but for what purpose it is not specified either in this or in any other section of the proposed Regulation. Section V empowers the Collector to annul the decree of the Punchayet in cases where gross partiality or corruption shall be proved, and perhaps it was intended that the decisions of the Punchayets should in all cases be subject to the confirmation of the Collector, he being prohibited from setting aside their decisions except in the cases abovementioned.

No provision is made for the punishment of members of Punchayets who shall be proved guilty of gross partiality and corruption, and the provision made at the end of section V, that the decision of the second Punchayet shall be final is liable to serious objections. It is possible that the second Punchayet may be as corrupt as the first, and in this case to carry their decree into execution would be to commit an act of injustice. The impunity held out by a provision of this nature may also be considered likely to operate very powerfully towards relaxing the integrity of the second Punchayet.

In the draft which the Court have prepared, they have endeavoured to provide for the same objects which the Commission appear to have had in view, but they have deemed it necessary to make the rules more detailed than those contained in the draft under consideration.

In concluding their remarks upon this Regulation the Court have to observe that the Commission have omitted to provide for the case of a dispute regarding the boundaries of two villages which may be situated in two different Collectorates. It would appear proper that the attention of the Commission should be called to this point.

To the foregoing detailed remarks the Court are desirous of adding a few general observations, chiefly for the purpose of bringing to the notice of the Right Hon'ble the Governor in Council some essential points in which, as it appears to them, the plan of internal administration proposed by the Commission differs from the plan prescribed by the Hon'ble Court of Directors.

The first great difference is with regard to the person who is to be constituted the Village Judge. The Hon'ble Court propose that the Potail shall, by virtue of his office, execute the functions of Commissioner within his village; and the proposition is grounded on the immunities and privileges which the Potail enjoys, and the peculiar qualifications for adjudicating village disputes which he is supposed to derive from the nature of his office.

The Commission in their first Regulation provide that the renter or collector of the rents or revenue, and not the Potail, shall be the Moonsif of the village, and this provision, independently of its being directly at variance with the plan contemplated by the Hon'ble Court, is liable to very serious objections.

If the renter of the village collects his dues himself, his profits are to be derived not merely from his own labour (supposing him to be engaged in cultivation), but also from the labour of all the cultivating classes of the village. It is scarcely to be supposed that a man so situated can be uninterested in any thing that passes in the village. Still less can impartiality be expected from the hireling employed to collect the dues of the Zemindar or farmer of the revenue. He can hardly be expected to possess that high spirit of integrity which shall reject the proffer of illicit gain; he will too frequently, it is to be feared, make his profits by relaxations of his master's rights to be purchased by the cultivators, and the best customer will doubtless be most in favour with him on all occasions, even should he be free from pique and resentment against those who are the least complying.

Again the situation of renter or collector of the rents is not permanent in one person. A lease supposing it to be perpetual, must be liable to be sold on the

farmer's failing to pay his rent; and the very circumstance of a man's giving more attention to settling justly the differences of his neighbours, than to his own concerns, might be the cause of his being ousted from the farm, by virtue of which he exercised his judicial authority. But it is unnecessary to look to so remote a contingency. It is well known that long leases are decidedly discountenanced, and there is nothing to prevent a Collector from farming every succeeding lease with a different person, and if the Judicial office go with the farm, the Court see no reason to doubt that it will be regarded as a part of the farm, and that the most will be made of it.

The agent employed to collect the produce of the farm is still less secure in his situation than the renter. Caprice in the renter may furnish the village with a new judge every month. It cannot be necessary to dwell on the evil consequences which must result from this frequent transfer of judicial authority from one person to another.

To the respectability of the judicial character probity is indispensably requisite, but how is it possible to guard against profligate persons becoming renters, or against the employment of such persons as collectors of the rent? It is not proposed to make the upright discharge of the duties of Village Moonsif one of the obligations of the lease; and if it were, such a proposition would be impracticable. Whatever care might be taken by the Collectors in the districts not permanently settled to admit only such renters as bear a respectable private character, it is obvious that in other districts Zemindars could not be restricted in their choice of renters, nor could the renters in any case be restricted in their choice of agents.

It is scarcely necessary to remark that the renter or collector of the rents of a village, *merely as such*, does not possess the immunities and privileges, nor any of those qualifications, which are supposed by the Court of Directors to render a Potail peculiarly fitted for the exercise of judicial functions within his village.

It cannot be concealed that many of the objections which occur to vesting judicial power in the renter of a village, as proposed by the Commission, are equally applicable to entrusting such power to the Potail. The office of Potail is not elective, and unhappily integrity and talents are not hereditary.

The next point, in which the system proposed by the Commission differs from that of the Hon'ble Court, is the exemption from all superintendence and control which the Village Judge is to enjoy. The Village Moonsif is not to be bound by the obligations of an oath, nor is he subject to be called to account for his conduct, except on charges of gross partiality and corruption. For cases of negligence and incapacity, and of any misconduct short of gross partiality and corruption, no provision is made, and even for gross partiality and corruption the only punishment provided is the levy of a fine not exceeding three times the amount of the bribe proved to have been received. Thus then under the Regulations proposed by the Commission, the renter or collector of the rents, who, whatever may be his character or his talents, becomes the Moonsif of the village, retains that authority so long as he is the renter or collector of the rents, although he may in a hundred instances be proved most grossly venal, or utterly unable from ignorance and stupidity to discharge the duties entrusted to him.

It is not easy to conceive the morals of any people to be so perfect as to admit of a man's being entrusted with judicial power, if he be not at the same time made responsible for the uprightness of his proceedings, and the Court of Directors, so far from proposing that the Potail in his judicial capacity shall be independent of all control, look particularly to the exercise of a vigilant and active superintendence and control over these lower judicatories as the means of preventing a recurrence of the serious and formidable abuses, which are acknowledged to have prevailed in the later periods of the native administration.

The mode in which the Hon'ble Court intended that this superintendence and control should be exercised does not appear; but it is sufficiently manifest that the best exertions of the Company's European servants can be but of little avail, unless some provision be made for inflicting an adequate punishment upon a Moonsif, who shall be guilty of any aggravated act of misconduct. For such offences dismissal from office readily presents itself as a proper, and perhaps the

only adequate punishment. If this officer be not removable for aggravated misconduct, there is evidently not the smallest security for a faithful discharge of his duty, nor any protection to the inhabitants of his village from continued oppression. But how will this punishment operate under a law which declares the Potail or the renter, or collector of the rents to be Moonsif *ex officio*? The Potail may be deprived of his office, of its immunities, and its privileges, and the office may be conferred on his heir. But by these means the administration of Justice will come to be confided to the hands of a minor, or must be temporarily entrusted to a person selected to officiate for him. The renter, and the collector of the rents, may be deprived of the office of Moonsif, but of the situation, by virtue of which they hold that office, they cannot be deprived, and some person not being the renter or collector of the rents must be selected to perform the duties of a Moonsif.

On the other hand, however, it is a matter for serious consideration whether dismissal from his office and the consequent deprivation of the privileges and immunities attached to it, would not be an excessive punishment to a Potail for malversation in the discharge of his judicial duties.

If the performance of judicial duties be not beyond all manner of doubt and controversy included among the conditions of the Potail's tenure, it would be an act of oppression to impose it upon him now, making him at the same time liable to the deprivation of all his immunities for malversation in the discharge of them, and even if it has always been considered as forming a part of his Municipal obligations, yet if it has not, within his recollection at least, been rigorously exacted from him, if a failure in the discharge of these duties has never within his knowledge, been visited by the forfeiture of the privileges annexed to his office, whatever may be the state of the case, a punishment to the extent above mentioned might be deemed to operate with too much severity.

Colonel Munro, as quoted by the Court of Directors, describes every village with its twelve Ayangudies as "a little republic with the Potail at the head of it. "The inhabitants during war look chiefly to their own Potail; they give themselves no trouble about the breaking up and division of Kingdoms. While the "village is entire, they care not to what power it is transferred. Wherever it "goes the internal management of it remains unaltered. The Potail is still the "Collector and Magistrate Sudder Farmer." If this description be correct, either the British Government must have caused a gross and violent disturbance of the Municipal administration beyond what was experienced under former conquerors, or else the internal management of the villages remains unaltered; and any Regulations concerning it must be at the best unnecessary. And if every village has been deprived of its Municipal institutions, and has made no complaint of the deprivation, the inference is that those institutions have either been lost so long as to be forgotten, or they have from whatever cause ceased to be desirable. The act, therefore, by which Potails may be now called upon to discharge judicial functions will be regarded as an imposition of new duties, and not as a revival of the former institutions of the country; or it will be considered as the renewal of obligations, which none of the parties concerned wished to have renewed.

All these considerations tend to shew the difficulty of providing duly and efficiently for the office of Village Judge in the manner proposed. If it were proposed to constitute the Potail, or the renter a referee and arbitrator merely to try such causes as might be referred to him by the Zilla Judge, or by the consent of both parties, the evil consequences of exemption from the punishment of dismissal would not be so formidable. To a village referee or arbitrator, whose profligacy or incapacity had been ascertained, the Zilla Judge would not refer causes for decision, nor would parties agree to appoint him arbitrator between them. The authority of a referee and arbitrator must lie dormant, unless it be called into action by the Zilla Judge, or by the voluntary agreement of both parties in a suit. But the authority of a Moonsif is of a very different nature. On a complaint being preferred to him, he is empowered and required to summon the opposite party, to fine him for non-attendance, to attach his property &ca. and how easily a power of this sort may be converted into an engine of oppression by a bad man subject to no control; how easily it may be employed to purposes of

personal revenue, and to the gratification of private malignity is sufficiently obvious.

But whether the Potail, as proposed by the Court of Directors, or the renter and collector of the rents as proposed by the Commission, be declared the Village Judge, it is indispensably necessary for the purpose of maintaining the purity and respectability of the inferior judicatories, that for partiality and corruption at least, if not for other aggravated acts of misconduct the offender should be made liable to be dismissed from the office of Moonsif.

The next point, in which the plan of the Court of Directors and that of the Commission differ, is with respect to the nature and extent of the jurisdiction to be exercised by the Village Judge. The Court of Directors propose that the Potail shall execute the functions of Commissioner within his village in the several modes prescribed by the existing Regulations, vizt. as Moonsif, Referee, and Arbitrator; but the Commission have made no provision for the Village Judge to act as Referee. Farther it does not appear to have been the intention of the Hon'ble Court that the Village Judge should have jurisdiction in cases of real property. They state expressly that as Referee the Potail should be subject to the same limitations as to the amount litigated and generally speaking to the same rules as are prescribed for Native Commissioners acting in this capacity. This would exclude cases of real property from the cognizance of the Village Judge acting as Referee, and if that jurisdiction be denied to him when acting in a capacity wherein he is to a certain extent placed under the superintendence and control of the Zilla Judge, it would be inconsistent to vest him with it in cases wherein he is subject to less control. Indeed the propriety of entrusting suits for real property, particularly for hereditary landed property, to the adjudication of a Village Moonsif appears to be extremely doubtful. Suits of this nature often involve questions of great difficulty, which it can hardly be expected that he should be competent to determine. The Commission, it is true, have provided that the Village Judge shall have the aid of the Law Officers of the Zilla Courts to decide any question of Hindoo or Mahomedan Law which may arise in the investigation of such cases; but to enable the Law Officer to give a correct legal opinion it is necessary that the circumstances of the case should be stated with a precision, which it would be in vain to look for from the Village Judge, whether the proposition of the Court of Directors or that of the Commission, with regard to the person who shall fill that office, be adopted. It is unnecessary to dwell on the great evils which must result, both individually and generally, from incorrect judgments in cases of inheritance or succession to landed property.

It may be proper to mention that in Bengal the jurisdiction of Moonsifs, who are there selected on account of their character and talents, is confined to suits for personal property: and it would appear safer to delay investing the Village Moonsifs acting in these provinces with a higher jurisdiction, until at least trial has been made of the manner in which they discharge a trust of minor importance. Their jurisdiction may hereafter be easily extended, if it should be considered expedient to extend it.

The Commission have provided in the third section of the first Regulation, that when any doubt may arise as to the person who is to be considered the Head of the village, the Collector shall select a person and grant him a Puttah declaring him to be the Head of the village. Why the appointment of the Village Moonsif should in these cases rest with the Collector is not at all apparent, unless it be intended that considerations connected with the Revenue shall always operate when such appointment may become necessary. The District Moonsif is to be nominated by the Zilla Judge, and confirmed by the Provincial Court, and it would seem more consistent if similar provisions were made applicable to the office of Village Moonsif.

It appears to have been the intention of the Court of Directors to leave it entirely to the option of the native inhabitants to have recourse to these lower judicatories or to the Zilla Courts: but section XIV of the first Regulation proposed by the Commission provides that the plaintiff *shall* prefer his complaint to the Moonsif of the village in which the defendant may reside, and there is no

clause declaratory of the plaintiff's possessing an option of resorting in the first instance to the Zilla Court. Whether it was intended by the Commission to allow or withhold the option in question the Court know not: but under the proposed Regulations it may be doubted whether in cases cognizable by the Village Moonsif a plaintiff will consider himself entitled to prefer his complaint to the Zilla Court, or whether the Zilla Judge will deem himself authorized to receive it. The Court beg leave to recommend that the attention of the Commission be called to this point.

It has been shewn that whether the potail or the renter, or collector of the rents be constituted the Village Judge, the office must in very many cases be filled by selection. The Court are disposed to believe that this mode of appointing to the office might be adopted in all cases with considerable advantage, and that a judicious selection of persons to discharge the duties of Village Moonsif would accomplish the object which the Court of Directors appear to have principally in view, of readily dispensing justice to the natives by means of agents taken from among themselves; while it would secure the employment only of men of respectable character in situations wherein respectability of character is so indispensably requisite.

It would always be in the power of the Zilla Judges, and it might be made their special duty, to select those persons for the judicial office, whom the general opinion of the inhabitants, manifested by voluntary references, should point out as the best qualified to decide on the disputes between them.

The Court, however, would not propose that a Moonsif should be appointed to every village. The population of many villages may be so small as not to require the constant presence of a judicial officer, but in a circle of from ten to twenty miles it may be expected that there will be very generally a population sufficiently numerous to employ a native court. The several Zillas might be subdivided into circles of this description; and an individual of respectable talents and character might be appointed to exercise judicial functions within each of them.

The Court, considering the Commission as acting under special instructions, have not deemed themselves at liberty to deviate in any essential point from the principles on which the proposed Regulations appear to have been framed. In preparing their redrafts, therefore, the Court have confined themselves to such modifications and additions as seemed absolutely necessary for the attainment of the objects which the Commission had in view. The wording and the arrangement of the several clauses will be found to be different, the drafts prepared by the Commission appearing in both these respects to be extremely defective, so defective indeed as in some instances to leave their intention very doubtful.

In submitting their redrafts, however, the Court would not be understood as recommending that they should be enacted in their present state. They have endeavoured to show wherein they consider many of the most material provisions objectionable; and they do not venture to hope that they have succeeded in digesting properly, from the materials before them, a system so extensive in its operation and so important in its consequences.

(ii)

Minute by the acting 3rd Judge (Mr. George Stratton), dated 21st December 1815.

* * * * *

I propose now to notice an important alteration by the Court which has come under my observation in their re-draft of Regulation II on the formation of a Punchayet in unlimited suits.

The Court observe, "In sections XIII and XIV a distinct provision is made "for referring suits to the decision of a Punchayet by the joint desire of the parties. "The objection to the selection of two members by the parties has not been pre- "served, because the reason for such objection is not stated." The reason for such objection, although not stated in the draft prepared by the Commission, is certainly

most obvious and cannot be new to Messrs. Scott and Greenway ; but lest it should have escaped their recollection I propose to record it here.

"Under the Native Governments when the trial by Punchayet is the most "common way of deciding suits, there are two kinds of "Punchayet ; one is where each of the parties nominates two "members and the Head of the village one, but this power "of nomination is often productive of great inconvenience, "as the members chosen by the parties are apt to become parties themselves, to waste "much time in useless discussion and to part without coming to a decision ; the other "is where the members are selected in the first instance by the Head of the village, "the parties being allowed to challenge such as they think have any interest in the "suit and to have them changed when their objections are reasonable."

Vide Commissioners' report to Government, dated 15th July 1815. Para. 8.

I trust these reasons will have due weight with the Government to order that the objection to the selection of two members by the parties may again be restored.

In the course of my examination of the re-draft of Regulation I, prepared by the Court, I have endeavoured to justify the Commission in respect to some omissions noticed by the Court, to point out some errors which the Court have fallen into in their attempts to amend the draft prepared by the Commissioners, and I trust I have shewn that some alterations the Court have introduced in their re-draft of Regulation I, are at variance with the objects they possess to have in view. How far I have been successful, I leave with deference to the decision of the Right Honorable the Governor in Council.

Were I to answer the Court's objections on all the drafts of the Regulations prepared by the Commission or by following their example, were I to comment on the several re-drafts prepared by the Court, I should be under the necessity of extending this minute to as great a length as the Court's proceedings of the 14th instant. I beg therefore to refer to the Commissioners' address to Government of the 15th July last in which I trust a satisfactory answer will be found to the several objections urged by the Court, both in their detailed remarks and general observations. The Court have supposed the possibility of a Moosulman or a Sudra being renters of a village, the inhabitants of which are Brahmins, but they have never adverted to the possibility of a Potail or Reddi, as Head inhabitant of a village, being its renter ; on the Commissioners' definition of "Head inhabitants," or any other subject objected to by the Court, should further explanation on the part of the Commission be required by the Government, it will be readily afforded.

Since however the Court have charged the Commission with a deviation from the orders of the Hon'ble the Court of Directors in not having made any provision for the Village Judge to act as referee, I beg here to record their reasons for the omission; "because "his duties as Village Moonsif, as Head of the Police, and as Revenue officer are "abundantly sufficient to occupy his time; and because the District Moonsif, being "empowered to officiate as referee, makes it the less necessary that he should act "in that capacity."

Vide Commissioners' report, 15th July 1815. Para. 5.

As the Court further express doubts whether it is the intention of the Commission to leave it to the option of the native inhabitants to have recourse to the native Judicatories, or to the Zilla Courts, doubts which I am surprised should have arisen, since I requested both the Judges to peruse the Commissioners' report to Government of the 15th of July last and left it with them several days for that purpose, I beg to remove those doubts by another extract from that report.

"All Regulations should in the beginning conform as nearly as possible to "the existing customs of the country and be changed "progressively with those customs. Though justice is every- "where the same, the mode of dispensing it differs in all "countries and that which is acceptable under one state of society may be quite the "reverse under another; we should therefore give to the natives, Village and "District Courts suited rather to the present state of society among them, than to "our ideas of what such Courts ought to be and leave them at liberty to follow "their own choice in seeking redress, either from these simple tribunals or from "our regular Courts. The natives themselves are the best judges of what is suited

Para. 32.

"to their present condition and the experience of a very few years will "determine whether they prefer Courts founded on their own institutions or on "those of Europe."

In framing the Regulations, the Commission have endeavoured to adopt them as far as possible to the manners and institutions of the people for whose use they are intended and as among them the distribution of justice was accompanied with little form and with no expense, the Commission have endeavoured to render the Village Moonsif efficient by simplifying his duties, by dispensing with writing where it could be done, by making all his summonses verbal, and by giving him sufficient power to maintain his authority.

Vide Para. 32, Comrs. report.

As the Court have however introduced into their re-drafts an increase of forms and writings which will tend greatly to embarrass the proceedings of the Village Moonsifs, I deem it my duty to object to the Court's alterations as being contrary to the orders of the Hon'ble the Court of Directors and to the genius and habits of the class of people for whose benefit the Regulations are intended; for if they prescribe any thing beyond the most simple process, they will never be acted on and the purposes for which they were intended will be completely defeated. I readily admit that the drafts of the Regulations prepared by the Commission are not perfect, nor could it well be expected they should be, had they even taken six months to prepare, instead of six weeks, considering the necessity of connection being observed throughout the Regulations and the numberless contingencies for which they are intended to provide, "embracing a system "as the Court justly observe, so extensive in its operation and "so important in its consequences".

Vide the Court's last para.

It must however be admitted that imperfect as they are, they have facilitated the Court's labors by forming a ground work for their re-drafts in which I observe many sections *verbatim* the same as those in the Commissioners' drafts.

From the several errors, I have had occasion to notice in the Court's re-draft of Regulation I, it may be inferred the rest of the re-drafts prepared by the Court are also far from being perfect and require revision; had I strictly adhered to the principle laid down by the Court that "in legal provisions nothing should be left to "inference that will admit of positive definition". I might have pointed out further errors and omissions; I however doubt if any code of laws will on such a test bear strict verbal criticism.

Section XIX, Regulation I of 1802, enacts that "One part of a Regulation "is to be construed by another so that the whole may stand." The Commission to the best of their judgment have kept that principle in view. Their reasons for not going into such details as the Court have done are explained in the last paragraph of their letter to Government of the 15th of July, which I beg here to record.

"In framing the Regulations, we have been careful to make them as full and "particular as seemed to be requisite, in order to render them adequate to the "accomplishment of the objects for which they are intended; But we have at the "same time studiously avoided introducing minute directions for the guidance of "the local authorities, because we are persuaded that such details would have the "effect of embarrassing rather than of assisting them in the discharge of their "duties. We deem it therefore more advisable that the Judge, Magistrate, and "Collector, should be left at liberty to issue such orders as may be necessary for "the conduct of their subordinate officers and not incompatible with the Regula-"tions, than that legislation should descend too much into matters of little "importance."

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(2)

Letter—From William Oliver, the Register of Foujdary Adalet.
To—The Secretary to the Government of Fort St. George, Judicial Department.
Dated—31st January 1816.

I am directed by the Court of Foujdary Adalet to transmit to you for the purpose of being laid before the Right Honorable the Governor in Council the accompanying extract from the Court's proceedings of the 21st ultimo, together

with a minute recorded thereon by the Acting 3d. Judge, and the drafts of Regulations therein referred to.

ENCLOSURES.

(i)

Extract from the Proceedings of the Foujdary Adalet under date the 21st December 1815.

The Court proceed to record the observations which have occurred to them after an attentive perusal of the Regulation proposed by the Commissioners of internal administration entitled "A Regulation for transferring the superin-"tendence of Police throughout the territories subject to the Government of Fort "St. George from the Magistrates to the Collectors of Zillas, and for the establish-"ment of a general system of Police."

The Court of Directors having ordered that the superintendence and control of the Police shall be transferred from the Magistrates to the Collectors, the Court have only to examine whether or not the provisions contained in the Regulation proposed by the Commission be such as are necessary to attain the object in view.

Section II [Regn. VII.] This section might be more correctly worded. It is defective in not specifying any period in which the measure is intended to take effect. The transfer of the superintendence of the Police should be declared to be future as well as the abolition of the establishment of Darogahs and Tannadars.

Section IX. The object of this provision is not very clear. Information furnished by the Head of one village to another or to the Tahsildar of the division cannot be evidence and cannot afford ground for taking any other measures in the first instance than such as are calculated to discover whether the crime of which such information is given has been actually committed. It could not serve as a justifiable cause of putting the person of any individual under restraint for every one has a right to know, and be confronted with his accuser. The best mode of conveying the information therefore would be to send the informer to the Tahsildar or to the Head of the village in which the crime is stated to have been committed. The section does not direct Heads of villages to enquire regarding crimes committed in any other jurisdiction than their own; indeed it cannot be expected that their time shall be taken up with enquiries unconnected with their charge. The section is recommended to be omitted.

Section XII. The provision contained in this section is much too general and open to great abuse. The punishment of the stocks may be fit for the lowest classes of the people but in this section it is not limited to any description of persons.

Section XIII. This appears too extensive a power to be delegated to a Village Police officer, and might be made a most vexatious instrument of village tyranny, for it does not appear that any punishment is provided for any person delivering false "information in writing signed by the informer"; any dependent of the Head of a village or a miscreant of any description may be made to furnish a pretext for inflicting upon any individual who may be disliked by the Head of the village, the most grievous of molestations. The Court are of opinion that nothing but a warrant from a Magistrate should authorize the search of a house; and they would therefore recommend that this section be omitted.

Section XIV. This section is connected with the preceding; and is recommended to be omitted.

Section XV. This section is too generally expressed, for how shall it be ascertained that the property exposed for sale is stolen unless there be an accuser who complains that it has been stolen from him? or how ascertained that the person exposing the property for sale knows it to be stolen, unless he confess such knowledge or until after it shall be proved by evidence that the property came into his possession in such a manner as could leave no doubt on the mind of any man that it was stolen? This latter suggestion

supposes the result of a trial which is not provided for in the Regulation. It is nevertheless expedient that the Police should possess authority sufficient to prevent the sale of stolen property, which may be given by describing those liable to be apprehended and sent to the Tahsildar to be persons who may be found selling property which there may be reasonable ground to suspect, has been stolen and of which they may not be able to give a satisfactory account.

Section XVII.

The report of the vacancy of an office occasioned by death and the succession of the heirs to the possession of it is proper; but the wording of the section seems to imply that the confirmation of some authority to such succession is necessary. The Heads of villages are to "report the death of any Village watcher and the person who is to succeed "by inheritance to the office" not the name of the person who may have succeeded by inheritance to the office.

Section XVIII.

The provision made in this section rather belongs to the Headmen of villages in their capacity of Moonsifs than in that of Police Officers and the report should be made to the Judge, not to the Collector of the Zilla. The care of property which may be left by a person dying intestate and of which therefore the real owner may be unknown is by clause seventh, section XVI, Regulation III, 1802 confided to the Zilla Judge, not to the Magistrate; and no arguments have suggested themselves to the Court for transferring this duty to the Police. The Court therefore recommend that this section be omitted.

Section XX.

This section is intended to make a provision the want of which has been frequently felt in the administration of Justice by the Criminal Courts. It seems intended to provide for the earliest measures being taken to identify a dead body and to ascertain the means by which it may have been deprived of life; but there is a want of precision and clearness in the wording of the section, which may be the cause of important mistakes on the part of those who are to carry the law into effect.

Upon receiving information of the discovery of a corpse, Heads of villages are required without delay to send notice to the Tahsildar; and it is only in the case of the residence of that officer being so distant as to prevent his arriving in time to see the body in a state fit for examination that the Head of the village is required to proceed to the spot with the Curnam and two or three respectable inhabitants and there to make enquiry into the circumstances of the murder or of the discovery of the corpse.

Now although the ordinary residence of the Tahsildar may admit of the reference with an expectation that he could arrive in time to conduct the enquiry; yet it may occur that his revenue avocations have required his presence in a distant part of the district, or other circumstances may occur to prevent his arrival when expected, and even to delay the communication to the Head man, of intelligence that his journey was obstructed, untill after the lapse of much valuable time. The communication to the Tahsildar and the enquiry might be simultaneous; the arrival of the Tahsildar during the enquiry need not be supposed to interrupt its progress or to prejudice its result.

Section XXV.

This section is unobjectionable in principle but it may be proper to observe that where the permanent settlement may have been formed inclusively of the lands and allowances formerly appropriated to the support of the Police establishment it will be necessary to purchase them from the present proprietors, and that it may be considered equitable as well as expedient to define by a Regulation the rules under which the arrangement shall be formed. The Commission of course possess, or will obtain, the information on which such a Regulation should be framed.

Section XXXII.

By a subsequent section it is provided that Ameens of Police shall be appointed in large towns to exercise the police powers vested in Heads of villages, or those vested in Tahsildars as may appear expedient. It is not apparent therefore in what places it can be necessary to employ Cutwals. The Court do not clearly understand the object which the proposed enactment has in view, but they have retained the section with a trifling alteration in their re-draft.

It is to be inferred from this section that in addition to the establishment of peshkars, gomashtas and peons already employed under Tahsildars, another establishment is to be entertained. This however, is at variance with the views of the Court of Directors, who appear to have considered that the present establishment of Revenue servants would be sufficient to discharge the duties devolving to them on the transfer of the Police to the Collectors. But although an additional establishment may be required, it does not seem necessary to make a special provision for its employment. It will be enough to provide that the peshkars, gomastas and peons who are or may be employed under the Tahsildars shall perform Police as well as Revenue duties, that they shall be considered Officers of Police as well as Revenue servants.

Section XXXIV.

This section is badly expressed and is unnecessary altogether. The stationing of guards ought to be done under the orders of the Magistrate, whoever may be Magistrate, on the information which may be furnished to him by the local officers.

Section XXXV.

This section is so worded as to admit of a doubt whether a Tahsildar is to do anything more in the case of a person charged with an offence on the examination or confession of a prisoner than to send him within twenty-four hours to the Magistrate; but this proceeding only would be obviously useless as the examination or confession of an offender can affect no one but himself. It must therefore be the duty of the Tahsildar to seek for the best evidence in support of such examination or confession and to forward the persons giving it with the accused to the Magistrate.

Section XL.

It would perhaps be better to make the limit of three months for preferring complaints of trivial offences absolute and not to allow to Tahsildars a discretion of admitting such complaints after that period. The less that is left to the discretion of a native officer in the present state of morals in India, the less room will there be for abuse.

Section XLIV.

Twenty-four hours confinement in the stocks appears an excessive punishment but whatever authority may be granted in this respect to the Tahsildar it should be limited in its exercise to the lower orders of the people.

Section XLV.

It would be more regular if the pursuing Officers were to bring up the offenders before the local Magistrate of the jurisdiction in which they may be apprehended. If the offenders should be apprehended under a warrant issued by the Magistrate of another jurisdiction, the Magistrate in whose jurisdiction they may be apprehended need only affix his signature to the warrant; but if they should be pursued and taken upon information given to the Police officers it will be right that the Magistrate should make such enquiries as may satisfy him that the power entrusted to the Police Officers has not been improperly used and does not in any particular instance of its exercise constitute itself a breach of the peace.

Section XLVII.

It would appear to be intended by this section to deny to Zemindars acting as Police Officers a concurrent jurisdiction in each others Zemindaries and this restriction may be proper; but it shews that their agency must be comparatively inefficient, and that it will be as necessary to provide for the discharge of the Police duties exclusively of them, where commissions may be granted to them, as where such commissions are not issued.

Section L.

It may certainly be necessary to make a provision of this nature in particular cases; but as the circumstances must be peculiar it may become a question whether it will not be just to require the inhabitants to support the establishment by a particular contribution for that purpose; and in the event of such contribution being called for, a further question suggests itself, how far it may be expedient to leave to the inhabitants the nomination of their own Municipal Police Officers under provisions similar to those contained in Regulation XIII, 1813, of the Bengal Code.

Section LI.

The correctness of the principle of this section may be doubted. It may be easy to arrange so that the evidence of Police Officers may not be requisite in support of a prosecution: but if their attendance should be claimed on the part of a prisoner, would it be just that any

Section LIII.

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authority should step in between the prisoner and his witness and declare that the attendance of the latter being not "absolutely necessary," a summons shall not be issued to him? If it be practicable to arrange in official detail so that the evidence of Police Officers shall not be required, and the Court have endeavoured by circular orders to produce such arrangements, the necessity of such a provision as referring to the prosecution will not exist, and to raise up a discretionary authority to interfere with the conduct of a prisoner's defence does not appear to be reconcilable to the principles of justice which permit an accused person to make the best defence in his power, while it yet remains to be shewn that the frequency of applications for summonses to such officers on the part of prisoners has amounted to an inconvenience. The Court recommend the omission of this section.

Section LIV.

Would it not be better to make this rule absolute, leaving to the parties who may have deferred complaining for more than three months, an option of preferring their complaints to the Magistrate with a statement of the cause of the delay, and to the latter a discretion to investigate the complaint, if the delay shall appear to him to have been unavoidable? The discretion would then be removed from those hands in which it is to be apprehended that it would be abused; and a person who had delayed to complain of a petty offence for more than three months could not suffer much injury from the further delay occasioned by an application to the European authority.

Section LV.

Nothing is provided for in this section but the detention of persons tendering property for sale or in pawn at a price much below its real value. It should not be at the option of persons of every description to detain parties so offending for an undefined period, the general authority granted by the section should extend no farther than may be necessary to bring the offending parties at the earliest convenient hour before the Police Officer of the jurisdiction.

Section LVIII.

This section at once constitutes Collectors to be Magistrates by charging them with the responsibility of preserving the peace within their respective Zillas; and by authorizing them to call out the military force in aid of the Police. Its propriety or impropriety depends on the determination to invest Collectors with the authority of Magistrate or not.

Section LXI.

The first part of this provision is necessary but the reference to the Magistrate is unnecessary if the Collector be vested with the powers of a Magistrate; while by causing two enquiries where one now suffices it would occasion delay and vexation to parties preferring complaints.

Section LXIV.

This section is objectionable. Theft is here made liable to the same punishment (the fine omitted) as abusive language, calumny and inconsiderable assaults or affrays, while the character of the crime is widely different. The offences mentioned in the preceding section may be committed in a moment of irritation and tho' deserving of reprehension and requiring to be repressed may be quite unconnected with any fixed immorality of character: but theft is a crime which implies a vicious habit and requires more severe correction. The punishment of theft ought to be stripes or imprisonment in the jail.

Section LXXIII.

This section provides no rule for the guidance of the authority to which it entrusts the interlocutary decision on claims to the occupancy of lands; they might have been cultivated for ages by one family in succession or have undergone a thousand transfers by sale, gift, or other mode of transfer; and the agitation of a claim to them would be sufficient under this section to warrant the Collector or his Officers to transfer the lands to the claimant until it should be determined by a Punchayet or other competent jurisdiction that such transfer was contrary to justice. This section therefore cannot guard any right. It cannot serve the purposes of justice; but it may give a temporary success to injustice. No other argument can be necessary to the rejection of such a provision from the Regulations of Government. The Honourable the Court of Directors could not have had such a result in contemplation nor is it easy to imagine the grounds on which such a provision could be recommended.

A positive rule is laid down in the existing Regulations that the party in possession shall be maintained in possession until the termination of any suit which may be instituted regarding the right to the lands or to quote the Code section III, Regulation XXXII, 1802, "Where such claimants may forcibly take "possession of disputed lands or crops, the party dispossessed shall bring the case "under the cognizance of the Adalet of the Zilla and upon proof of such forcible "ejection and the actual previous possession of such ejected party, the Judge "shall without enquiring into the merits of the claim of the dispossession, cause "the disputed lands or crops to be restored to the complainant, or the value of the "crops to be paid to him, if they shall be damaged, destroyed, or not forth-"coming; and shall further award against the offender such costs and damages "as may be equitable".

In the section above quoted there is a positive discouragement to any resort to violence as it prescribes that such violence shall immediately meet with defeat although the claims in support of which it may be used may be well founded, and the Court are not aware of any objection having been raised in practice to the provisions of this section.

The section proposed by the Commission is framed in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending.

Now it is much more probable that the land will be well cultivated by the person who may have cultivated it for years under a possession, the right of which may have been for as many years unquestioned, than by any one who may obtain temporary possession, by whatever means, under a title which may yet be declared invalid by a judicial decision. It does not therefore appear probable that the judicial powers conferred by this section on the Collector and his Officers can be exercised with benefit to any individual or to the Government. The Court do not therefore propose any modification of the section; they recommend its omission altogether.

Section LXXVI.

Some provision on this subject is necessary, but it should rather describe the standard to which travellers and villagers may refer in case of dispute than the authority by which the standard is to be fixed. The section as it now stands would authorize a continual reference to the Collector to fix the rates of hire of palankeen bearers &ca, &ca, whereas a table of the rates of hire &ca, would decide the question at once.

Section LXXVIII.

No reason is assigned in the preamble for this provision which does not appear to be necessarily connected with the subject of the Regulation. The Court have therefore only to observe that they know of no reason for doing away the existing provisions regarding the use of stampt paper in such cases.

Section LXXIX.

If the Collector be constituted Magistrate, there can be no necessity for this provision; and if he be not constituted Magistrate, there can be no objection to the Magistrate issuing his warrant to a particular officer and to all whom it may concern.

Section LXXX.

This provision recalls to the recollection an omission of no small importance, vizt., that the Collector is no where required to take the oath under which a Magistrate discharges his duties. In the subdivision of authority or the delegation of it to an Assistant, the same inattention to public obligations is shewn. It may perhaps be sufficient to remark that the Register cannot perform the duties of an Assistant Magistrate except under the sanction of an oath.

The Court have only to add that the provisions of this Regulation, so far as they regard Tahsildars with their establishments of peshkars, gomastas and peons are applicable only to districts wherein the permanent settlement of the Land Revenue has not been introduced, and that in the Zillas whereof the Land Revenue has been permanently fixed, it will be necessary to employ establishments of Tahsildars &ca for the special purpose of performing the Police duties prescribed by this Regulation.

(ii)

Minute by the Acting 3rd Judge (Mr. George Stratton) dated 31st January 1816.

The Court's re-draft of the Regulation for transferring the Superintendence of the Police from the Magistrates to the Collectors of Zillas, was only put into my hands for the first time on the 29th inst. I observe that section LXXIX of the Commissioners' draft which prescribes that, "No order shall be issued to "any Police Officer excepting by or through the Collector of the Zilla," has been omitted by the Court in their re-draft, the reasons assigned by the Court for this omission are, "If the Collector be constituted Magistrate, there can be no "necessity for this provision; and if he be not constituted Magistrate, there can be "no objection to the Magistrate issuing his warrant to a particular officer and to "all whom it may concern."

The Right Hon'ble the Governor in Council having been pleased to signify to the Commission through Mr. Secretary Hill under date 13th May last, his desire, "that no time should be lost in transferring to the Collector the exercise of the "whole of the duties of the Police," the Commission, with a view to make his authority respected and to render the Police under the Collectors more efficient, were induced by their draft of the Police Regulation to place the Police establishment entirely under their control, as the only certain means of preventing all collision and clashing of authorities between the Collectors as Superintendents of Police and the Magistrates of their respective Zillas. Were the Magistrate to issue his warrant direct to any Police Officer without the intervention of the Superintendent of Police, the consequence would be, that the servants of the Police would consider themselves under two masters and be the less efficient.

Vide letter from the Court of Directors, dated 29th April 1814, para. 90.

The Hon'ble Court of Directors observe, "To place therefore the superintendence of the Revenue and of the Police in the "hands of separate individuals must necessarily produce a "collision and clashing of authorities between them in the exercise of their "respective functions, for both must mainly rest in the agency of the Village officers "who being equally at the call of either, their services may be required at the "same instant by both; this, while it must distract the subordinate agents must in "some degree affect the operations of the Magistrate and of the Collector"; and this I apprehend will still be the case, if the Magistrate be allowed to issue his warrant direct "to a particular Police officer, and to all whom it may concern," without the intervention of the Superintendent of Police. On these grounds, I am induced to bring to the immediate notice of Government the Court's omission of so important a section vesting the exclusive control of the Police in the Collectors, on which the efficiency of the new system of Police will in the opinion of the Commission so greatly depend.

I propose now to offer a few explanations and observations which the Court's detailed remarks in their proceedings of the 21st Decr. naturally suggest.

Commrs. draft. Section IX. Heads of villages are authorized to receive information of murders robberies and other heinous offences committed on any village within the limits of the district or Tahsildari to which they belong and they shall send immediately information either to the Head of the village in which the crime was committed, or to the Tahsildar.

On this section, the Court observe "the object of this "provision is not very clear; information furnished by the "Head of one village to another or to the Tahsildar of the "Division cannot be evidence and cannot afford ground for "taking any other measure in the first instance than such as "are calculated to discover whether the crime of which such "information is given has been actually committed."

The Court have precisely stated the object of the provision, which appears clear enough to my apprehension, it being to afford ground for taking such measures in the first instance as are calculated to discover whether the crime of which such information is given has been actually committed. On these grounds so correctly stated by the Court, I am of opinion that the section should be restored.

Commrs. draft. Section XIII. Heads of villages upon receiving information in writing signed by the informer of stolen property

On this section the Court observe, "This appears too "exclusive a power to delegate to a Village Police Officer and "might be made a most vexatious instrument of Village "tyranny." The Court further state it as their opinion, "That

concealed in any place within their jurisdictions shall cause search to be made and the property if found to be seized. But should the place of concealment be a dwelling house, the search shall be made only between sunrise and sunset.

"nothing but a warrant from a Magistrate should authorize "the search of a house," and they therefore recommend that the section be omitted. But how am I to reconcile this opinion of the Court with the provision I find in section XXXVI of their re-draft, prescribing, "Where Tahsildars may have "credible information of stolen property being concealed and "there may be reasons to apprehend that it will be made "away with unless prompt measures be taken to secure it, "they shall cause search to be made and the property if found to be secured and "forwarded with the offender to the Magistrate. If the place of concealment be "a dwelling house, the search shall be made only between sunrise and sunset." The case here stated might arise in a village under the eye of the Head of the village, where the Tahsildar and the Collector might be 50 miles from the spot. Why should the power to search a house be given to a Tahsildar and not to the Head of the village, since the Court in their remarks on section XLIV observe without any exception, "the less that is left to the discretion of a native officer in "the present state of morals in India, the less room will there be for abuse."

In the case of the Head of the village, as a Police Officer, the Court apprehensive of an abuse of his power, record their opinion that "nothing but a warrant from a Magistrate should authorize the search of a house," as it might be made a most vexatious instrument of village tyranny; but in the case of the Tahsildar the Court give him the power to search any house without the intervention of the Magistrate, notwithstanding it might be made a most vexatious instrument of district tyrany; conceiving the Head of the village is likely to be as trustworthy as the Tahsildar, and as both are made responsible "for extortion, oppression, or other abuse of authority," I recommend for the greater efficiency of the Police that the power in question be alike vested in both.

Commrs.' draft. Section XXXIV. They shall be aided in the discharge of their Police duties by an establishment of peshkars, gomastas and peons, but this establishment together with that of the revenue shall be considered as one and the whole as applicable equally to Police or Revenue purposes.

On this section the Court observe "It is to be inferred "that in addition to the establishment of peshkars, gomastas, "and peons, already employed under Tahsildars another "establishment is to be entertained; this however is at vari- "ance with the views of the Court of Directors who appear "to have considered that the present establishment of "Revenue servants would be sufficient to discharge the "duties devolving to them on the transfer of the Police to "the Collector."

Vide Letter from the Court of Directors, dated 29th April 1814.

Para. 85.

On this the Hon'ble Court of Directors express themselves as follows. "The "services which will be rendered to the Magistrates by this "Police when placed on the footing we have described, and "made to form an immediate branch of our system of Govern- "ment, will we are satisfied enable you not only to reduce "the greater part of the present Darogah establishment, but "also effect a considerable reduction of the Police Corps still maintained by your "Government at a heavy expense and which nothing but the inefficient condition "of the Civil Police could have justified to the extent to which they have been "employed."

Vide Letter from the Court of Directors, dated 29th April 1814.

Para. 94.

The Court again observe, "As to additional expense that would attend the "execution of the measure in question, which you have also "alleged as a reason against its adoption, we are sanguine "in the expectation that an efficient Village Police placed "under the immediate superintendence of the Collector, "would so greatly improve the internal order and quiet of "the country that as we have already observed the services of the Darogah "establishments and of the Police Corps which are maintained in some parts of "the country, at no small charge might be gradually dispensed with."

The Hon'ble Court of Directors, it is evident by these extracts, look to a gradual saving by the union of the Police and Revenue establishments, but it does not appear that they consider, "that the present establishment of Revenue Servants

"would be sufficient to discharge the duties devolving to them on the transfer of "the Police to the Collectors." The Commission are of opinion that an establishment of peshkars, gomastas and peons taken from the present Police establishment, should be attached to the Tahsildars in aid of their Police duties and they observe in the 38th paragraph of their report to the Government of the 15th July, "We propose that the Police and Revenue peons shall no longer form "a separate establishment but be incorporated with each other and be employed "in both duties without distinction. This will enable the Collectors to "conduct the business of both departments with a smaller number and to effect "some saving." I deem it my duty here to record this expectation of some saving entertained by the Commission, as from the Court's observations, it might be inferred an additional charge is likely to be incurred beyond the present Revenue and Police establishments on the transfer of the Police to the Collectors.

Commrs. draft. Section LXXIII. The Collector and under his orders the Tahsildars and Heads of villages shall have authority to prevent the forcible occupation or seizure of lands or crops, and also when riotous assemblages are formed in consequence of disputes respecting the right of ploughing any particular fields to determine, who shall plough them for the present in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this Section the parties shall be at liberty to seek redress from the Village or District Punchayets or other competent jurisdiction.

This section the Court observe, "provides no rule for "the guidance of the authority to which it intrusts the "interlocutory decision on claims to the occupancy of lands; "they might have been cultivators for ages by one family in "succession or have undergone a thousand transfers by sale, "gift or other mode of transfer, and the agitation of a claim "to them would be sufficient under this section to warrant "the Collector or his officers to transfer the lands to the "claimant until it should be determined by a Punchayet "or other competent Jurisdiction that such transfer was "contrary to justice."

From this interpretation of the section, it is evident the Court have misunderstood the intentions of the Commission; I do not however think the section would warrant any one acting on it in the manner stated by the Court. The section is on the contrary intended to aid the provisions of Regulation XXXII of 1802 "*to prevent the forcible occupation or seizure of lands or crops*," and when riotous assemblages are formed in consequence of disputes respecting the right of ploughing any particular fields, when it is left to the Collector to determine, who shall plough them for the present, is meant, the occupant, since the Collector and his Officers are required in such cases, "to prevent the forcible occupation or seizure "of lands or crops." I therefore recommend for the greater efficiency of the Police, that the section should be restored modified as follows.

"The Collector and under his orders the Tahsildars and Heads of villages shall "have authority to prevent the forcible occupation or seizure of lands or crops, and "when riotous assemblages are formed in consequence of such disputes respecting "the right of ploughing any particular fields, to determine, the occupant or "occupants shall plough them for the present in order that cultivation may not be "impeded by the land being kept uncultivated while the trial which the parties may "seek is depending. But in all the cases specified in this section the parties shall "be at liberty to seek redress from the Village or District Punchayet or other "competent jurisdiction."

Commrs. draft. Section LXXX. Collectors are empowered to entrust to their Assistants all the Police authority vested in themselves by this Regulation or such part of it as they may deem expedient.

The Court observe on this section, "that the Collector "is no where required to take the oath, under which a "Magistrate discharges his duties; in the subdivision of "authority, or the delegation of it to an Assistant, the same "inattention to public obligations is shown." The Court have therefore in their re-draft prescribed oaths of office to the Collectors as Superintendents of Police and to their Assistants.

As the Court are of opinion "that the less that is left to the discretion of a "Native Officer in the present state of morals in India, the less room will there "be for abuse," it would but have been consistent when they prescribed oaths of office to the Collectors and to their Assistants, to prescribe them in like manner to the Zemindars, Tahsildars, Cutwals, Ameens, and Heads of villages forming subdivisions of authority under them. But the Commission having entire confidence in the European authorities and in respect to the natives deeming the incessant recourse to oaths since the establishment of the Zilla Courts has tended to weaken their effect, were induced to omit them in their draft without any distinction.

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(Sudder and Foujdari Court's re-drafts of the Regulations.)

REGULATION I.

A Regulation for declaring the Head Inhabitants of villages to be Moonsifs in their respective villages, and for defining their jurisdiction. Passed by the Governor in Council of Fort St. George on the

Preamble.

I. With a view to lesson the business of the Zilla Courts, to diminish the expense of litigation in petty suits, and to promote the speedy adjustment of such suits without subjecting individuals to the inconvenience attending a long absence from their homes, the Governor in Council has enacted the following Regulation to be in force in the territories subject to the Presidency of Fort St. George.

Heads of villages to be Moonsifs within their villages.

II. Heads of villages shall by virtue of their office be Moonsifs within their respective villages.

Heads of villages defined.

III. *First.*—In villages whether permanently settled, rented, or in the hands of Government, where there may be more than one head man coming under the denomination of Potail, Reddy, renter or any other designation, the person who collects the revenue, and under whose authority the village servants act, shall be considered as the Head of the village. No person shall act as Head of the village, who does not generally reside in it. Where there is but one resident renter of a village, he shall be considered as the Head of the village. Where the renter is not a resident, the person who rents or manages the village under him shall be considered as the Head of the village.

Where doubts may arise Collectors are to select one person to act as Head of the village.

Second.—Where from the names of two or more persons being introduced in the same Puttah as Heads or Renters of the village, or from any other cause, doubts may arise as to whom the office of Head of the village belongs, the Collector shall select one person and give him a Puttah to act as the Head of the village.

Village Moonsifs exempt from the oath of office, and from being called upon to answer for their conduct as Moonsifs.

IV. Village Moonsifs shall not be required to take any official oath, nor shall they be liable to be called before the District Moonsif or the Zilla Judge to answer for their conduct as Village Moonsifs, except on charges of gross partiality and corruption.

Amount of suits cognizable by Village Moonsifs.

V. *First.*—Village Moonsifs are empowered to hear, try, and determine of their own authority all suits for real and personal property under the following limitations.

Second.—For land exempt from the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed one Arcot rupee.

Third.—For land subject to the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed ten Arcot rupees.

Fourth.—For houses, gardens, tanks, or any real property not of the descriptions before mentioned the value of which shall not exceed ten Arcot Rupees.

Fifth.—For sums of money or other personal property, the amount or value of which shall not exceed ten Arcot rupees.

Limitation of time in reference to commencement of cause of action.

Exception.

Sixth.—Provided that in any of the cases specified in the second, third and fourth clauses of this section the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the matter in question, and that the defendant had admitted the justice of the demand, or that he directly preferred his claim within the above mentioned period to a competent authority, and in such case that he assign satisfactory reasons to the Moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Limitation with respect to suits for money and other personal Property.

Exception to the rule.

Seventh.—Provided further that any suits for money and other personal property be not entertained by any Village Moonsif, if the cause of action shall have arisen more than two years previous to the institution of the suit, except the plaintiff shew good and sufficient cause, as described in the sixth clause of this Section, for not having instituted the suit before.

Or

No such suits to be entertained where the cause of action shall have arisen twelve years before the commencement of the suits.

Sixth.—" Provided that in any of the cases specified in the preceding clauses of this " section the cause of action have arisen within twelve years previous " to the institution of the suit, or that the plaintiff do shew by clear and " positive proof either that he had demanded the money or matter in " question, and that the defendant had admitted the justice of the " demand: or that he had directly preferred his claim within the " period above mentioned to a competent authority and in such case, " that he assign satisfactory reasons to the Moonsif why he did not proceed in the suit, " or prove that from minority, or other good and sufficient cause he was precluded from " obtaining redress."

Village Moonsifs prohibited from trying suits for damages of any kind.

VI. Village Moonsifs are hereby prohibited from receiving or trying any suit for damages on account of personal injuries, or for personal damages of any nature.

Village Moonsifs prohibited from trying suits in which they or their servants are interested.

VII. Village Moonsifs are hereby prohibited from trying any suit in which they or any of their immediate servants are personally interested.

Village Moonsifs not to try suits against persons not resident in their jurisdiction.

VIII. Village Moonsifs are prohibited from trying and determining suits against any person or persons who may not be found to be actually resident within their jurisdiction at the time when such suits shall be preferred.

Vakeels to be relatives, servants, or dependants of parties.

To be furnished with Vakalutnamahs.

What the Vakalutnamahs are to contain.

IX. *First.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant to plead before the Village Moonsif on furnishing the person to be so employed with a Vakalutnamah, describing his relation to his employer whether of consanguinity, affinity, or dependence, and the matter in which he is empowered to act.

Persons not to act as vakeels until their Vakalutnamahs have been exhibited and read in open court.

Second.—Village Moonsifs shall not in any case permit any person to act, as the vakeel of another, until such person shall have exhibited and read in open court a Vakalutnamah containing the information required by the preceding clause.

Curnums to assist Moonsifs.

Village Moonsifs responsible for the correctness of their decisions.

X. *First.*—In hearing, trying, and determining Civil suits, the Village Moonsifs shall be assisted by the Village Curnums, or persons holding the office of Curnum for the time being, a part of whose duty it shall be to attend as assessors to record the proceedings of the Moonsifs, and to afford them their advice; but the Village Moonsifs shall be held responsible for the correctness of the decisions which they may pass on the suits preferred to them.

Curnums to keep registers of suits preferred to Village Moonsifs.

Second.—The Curnums shall keep registers of the suits preferred to the Village Moonsifs, entering each complaint in the order in which it may be received.

What the plaint is to contain.

XI. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Village Moonsifs how to proceed on a complaint being preferred to them.

To issue a summons to the defendant.

XII. *First.*—Upon a complaint being preferred in writing to the Village Moonsif, he shall cause a summons to the defendant to be written on cadjan or other material by the Village Curnum, or person holding the office of Curnum for the time being. The summons shall contain the names of the parties, and a short statement of the demand, and shall require the defendant to appear in person or by vakeel and to deliver an answer to the plaint on or before a certain day which shall not be more than seven days from the date of the summons.

Summons by whom and how to be served.

Second.—The summons shall be served by the village officer, usually employed in carrying messages, who shall require the defendant to affix his signature to it in acknowledgment of his having seen it.

Refusal of the defendant to acknowledge the summons to be reported to the Curnum.

How the Curnum is to proceed.

Third.—If a defendant, having been served with a summons in the mode above prescribed, shall refuse to acknowledge it, the officer by whom it may have been served shall immediately report the same to the Curnum, who shall endorse such refusal on the summons,

On the non-appearance of the defendant on the day of trial, the summoning officer to make oath to the service of the summons.

Moonsif to give judgment *ex parte*.

which shall be produced in court on the day of the hearing of the cause; and in default of the defendant's attendance, the summoning officer shall be called upon to make oath to the service of the summons; after which the Moonsif shall proceed to give judgment *ex parte*.

If a defendant appear whose refusal has been reported, how the Moonsif is to proceed.

May fine the defendant on proof of disrespect, not more than half a rupee.

Fourth.—If a defendant, who has been reported by the summoning officer to have refused to endorse the summons as above prescribed, shall nevertheless attend in court on the day appointed for the trial of the suit, the Moonsif shall make enquiry into the cause of such refusal, and the truth of the information given by the summoning officer; and if it shall appear that the conduct of the defendant was disrespectful and contemptuous the Moonsif shall have authority to fine him in a sum not exceeding half a rupee.

Plaint to be read to the defendant.

Razeenamah to be settled amicably.

What it is to contain.

XIII. If the defendant shall attend in obedience to the summons, the plaint shall be read over to him, and if he shall acknowledge that an unsettled account exists between him and the plaintiff, or that the plaintiff has a claim upon him, the Village Moonsif shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the Village Moonsif shall cause him to execute a Razeenamah, stating in what manner the defendant has satisfied him, which Razeenamah shall be certified by the Village Moonsif as being executed in his presence, and he shall then deliver it to the defendant.

Otherwise copy of the plaint to be delivered to the defendant.

And his answer to be required.

XIV. *First.*—If the defendant, on the plaint being read over to him shall object to the demand, and the parties shall be unable to adjust the dispute amicably, the Village Moonsif shall deliver to the defendant a copy of the plaint, and shall require him to deliver his answer on a certain day not more than seven days after the day on which the plaint was read.

Answer to state all he has to say. No farther pleadings to be admitted.

Second.—The answer shall contain all that the defendant has to state regarding the case, and no farther pleading shall be admitted.

When and how the truth of the complaint is to be examined.

Third.—When the answer has been filed, the Village Moonsif either immediately or on a fixed day as soon after the pleadings are closed as the business before him will permit, shall examine the truth of the complaint or claim by the oaths of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce.

Village Moonsifs may require the attendance of witnesses.

By a written summons containing what.

XV. *First.*—Village Moonsifs are authorized to require the attendance of any person who may be named as a witness by any party in a suit, by a written summons containing the names of the parties in the suit, and fixing a day for the attendance of such witness.

By whom to be served.

Second.—The summons shall be served by the village officer usually charged with carrying messages.

Witnesses to be examined "*Viva Voce*" unless their evidence be required in writing.

In such case the deposition to be read over to the witness and signed by him.

Third.—It shall be necessary to take the depositions of the witnesses in writing only when either of the parties shall desire it. In such case the Village Moonsif shall cause the deposition, when taken, to be read over to the witness, who shall sign such deposition with his or her name, if he or she can write, or with his or her mark, if he or she should not know how to write.

Witnesses refusing to attend, or answer liable to be fined not more than half a rupee.

Fourth.—If a witness duly summoned shall refuse to attend, or attending shall refuse to answer, such witness shall be liable to be fined for every such offence at the discretion of the Moonsif in a sum not exceeding half a rupee.

Trial to be deferred if a necessary witness be absent from the village.

XVI. *First.*—If any person, whose testimony is necessary in a suit, shall be temporarily absent from the village, the trial of the suit shall be postponed until his return.

How the evidence of persons residing in a different village is to be obtained.

Second.—If in any case the evidence of a person residing in a different village shall be required, provided that the village be not farther distant than ten coss, the Moonsif requiring his attendance shall address a summons to such person and forward it to the Moonsif of the village in which such person shall reside, who shall cause the summons to be served by his own Village Officers, and shall return the summons with a certificate that it has been duly served to the Moonsif who issued it.

Persons refusing to attend summons, liable to be fined.

Third.—Any person refusing or neglecting to attend on such summons shall be liable to be fined in a sum not exceeding one half of a rupee, which shall be levied by the Village Moonsif in whose jurisdiction such may reside,

Fine by whom to be levied.

on a communication of the order imposing the fine being made to such Moonsif by the Moonsif by whom such order may be passed.

How the evidence of persons residing in a different village whose personal attendance is unnecessary, is to be taken.

Fourth.—If the person whose evidence is required shall reside at a greater distance from the village than ten coss, and it shall not appear that his personal attendance is necessary, the Village Moonsif is authorized to request, by a letter bearing his signature, the Moonsif of the village in which the person, whose testimony is required, may reside, to examine such witness on written interrogatories prepared by both parties or by their vakeels, if both parties shall desire to examine the witness. The Village Moonsif, to whom the letter may be directed, shall examine the witness or witnesses named in the letter according to the requisition of it, and return the deposition of each witness duly subscribed by him, to the Moonsif of the Village where the cause may be depending by the time required in the Commission, and every deposition so taken shall be read and received as good evidence in the cause.

Attendance of women of rank or high caste not to be required.

How their evidence is to be taken.

Fifth.—Village Moonsifs shall not summon any woman to appear before them, whose rank or caste may render it improper to require her attendance; but when the evidence of such person shall be required the Village Moonsifs shall issue a commission to three creditable women, authorizing them to take the evidence of such witness in the mode which may be most binding on her conscience, and requiring them to certify that the evidence of such witness has been so taken in their presence.

Village Moonsifs prohibited from requiring securities.

XVII. In suits depending before them the Village Moonsifs are hereby strictly prohibited from requiring securities of any kind from defendants.

Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial and not again revived.

Provision.

Penalty to be paid on filing a new suit.

XVIII. If a plaintiff shall not attend on the day fixed for the trial and the defendant shall be in attendance in the Court, the suit shall be dismissed, and shall not be revived unless the plaintiff shall show good and sufficient cause for his absence. If he fail to shew such sufficient cause he shall be at liberty to file a new suit on paying a fine of one anna in the rupee on the amount of his claim.

Parties or their vakeels and witnesses liable to fine for disrespect to Village Moonsifs.

XIX. Parties or their vakeels and witnesses guilty of disrespect to a Village Moonsif shall be liable to be fined by him in a sum not exceeding one half of a rupee.

The decision to be passed after due consideration.

XX. When the parties have been heard, the exhibits received and considered, and the witnesses on both sides examined, the Village Moonsif shall give judgment according to justice and right.

What shall be contained in the decree.

Penalty for the institution of litigious and vexatious suits.

XXI. The decree shall specify the names of the parties, and the names of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and an elucidation of the principal grounds and reasons on which the decision may be passed. It shall state specifically the sum of money or the value of other personal and real property adjudged. If any claim shall appear to the Village Moonsif to be evidently litigious and vexatious he shall adjudge suitable costs and damages against the plaintiff payable to the defendant; and insert the same in the decree.

Rate of interest to be allowed.

XXII. Village Moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the Courts of Adalet are permitted to allow by Regulation XXXIV of 1802.

Village Moonsifs may allow a reasonable period for the execution of their decrees.

But are enjoined to be cautious in the use of this authority.

XXIII. Village Moonsifs shall have authority to allow in their decrees such reasonable period for their execution as may appear just in particular cases, recording in each case the reasons by which they may be guided in permitting the execution of the decree to be delayed. But Village Moonsifs are enjoined to be cautious in the exercise of this discretionary authority, lest by the indiscriminate use of it they subject creditors, whose claims may be adjudicated by them, to unnecessary inconvenience.

Copies of the decree to be given to parties within three days after its date. Date of the delivery to be certified by the Moonsif and Curnum.

XXIV. *First.*—Village Moonsifs shall within three days after passing a decree cause two copies of it to be prepared by the Village Curnum on cadjan leaves, or the paper in common use, and deliver one copy to each party, the date of such delivery being certified by the signature of the Moonsif and of the Curnum.

Non-attendance on delivery of or refusal to receive the decree to be noted on the back of it.

And the decree to be deposited with the Curnam.

Second.—If the plaintiff or defendant shall not attend in person or by vakeel to receive a copy of the decree or shall refuse to receive it when tendered, the Village Moonsif shall cause such omission or refusal to be noted on the back of the copy of the decree so omitted to be taken or refused, and deposit it with the Curnum for the purpose of delivering it to the party if he shall afterwards claim it.

Appeals open from decisions of Village Moonsifs to the District Moonsifs.

XXV. *First.*—Persons dissatisfied with the decrees of Village Moonsifs shall be at liberty to appeal from such decrees to the District Moonsifs under the rules prescribed regarding appeals in the Regulation passed for the guidance of the District Moonsifs.

Appeals open from orders of dismission, or *ex parte* decisions.

Second.—From orders of dismission passed under section XVIII or from decisions passed *ex parte* under clause third, section XII of this Regulation, either party is at liberty to appeal to the District Moonsif and the Village Moonsif is required to conform to such instructions as he shall receive from the District Moonsif on the subject.

Decisions of Village Moonsifs not to be set aside for irregularity in the proceedings but on the merits only.

XXVI. The decisions of Village Moonsifs shall not be set aside for irregularity in the proceedings, but on the merits only.

Village Moonsifs not to punish any party, vakeel or witness.

Exception.

XXVII. No Village Moonsif shall punish any party, vakeel, or witness, who may come before him, excepting under the provisions specified in clause fourth, section XV, and section XIX of this Regulation.

How the Judge is to proceed on a charge of corruption being preferred to him against a Village Moonsif.

Moonsif to be fined on proof of the corruption.

To whom the fine is to be paid.

XXVIII. If a party in a suit, which may have been tried and decided by a Village Moonsif, shall charge such Village Moonsif with corruption, and shall make oath to the truth of such charge, the Zilla Judge shall immediately on receiving such complaint on oath summon the Moonsif so charged with corruption, and proceed to investigate the matter, and if the corruption charged shall be established to the satisfaction of the Judge, he shall levy from the Moonsif a fine equal to three times the amount of the sum of money or value of the property which such Moonsif may be proved to have received, and the Judge shall pay the fine so levied to the prosecutor.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the District Moonsif.

Process to be observed to sell the same.

XXIX. *First.*—If the defendant shall not appear within the period allowed for appealing, and shall not discharge the sum decreed against him within the period limited in the decree, the Village Moonsif shall on the written application of the party in whose favour the decree may be given, attach the property of the party cast to the value of the sum decreed, and shall give immediate notice of such attachment and of the day fixed for the sale to the District Moonsif, who shall send a peon to sell the attached property by public auction in presence of the Village Moonsif at the expiration of the time fixed in the notice of sale.

The peon deputed not to have charge of the property under attachment.

Duty of the peon.

Receipt to be taken.

Second.—The peon deputed by the District Moonsif shall not have any charge of the property under attachment. His duty shall be to sell the property and receive the purchase money, from which he shall pay to the party in whose favour judgment may be given the amount decreed, taking his receipt attested by the Village Moonsif and Curnum.

Batta to the peon.

And all expenses attending the sale, how to be defrayed.

Third.—The peon deputed by the District Moonsif shall be entitled to receive batta at the rate of two annas per diem, or in the Districts where the usual batta of peons may be fixed at a lower rate, at such lower rate per diem during his deputation; and the amount of such batta together with every expense that may attend the sale shall be defrayed by the party cast or deducted from the proceeds of the sale on the certificate of the Moonsif and Curnum that such amount of batta and such expenses are correctly charged.

Surplus to whom to be paid.

Receipt to be taken.

And produced to the District Moonsif with what other vouchers.

Fourth.—If any surplus shall remain of the proceeds of the property sold after satisfying the decree and defraying the expenses incurred including the batta of the peon, it shall be paid to the party cast, and his receipt for the same attested by the Village Moonsif and Curnum shall be taken by the peon, and produced to the District Moonsif along with the receipt of the party in whose favour the decree may have been passed, and the certificate of the Village Moonsif of the amount of batta and expenses attending the sale, as the vouchers of his having correctly discharged his duty.

In cases of attachment what further notice is to be given.

Fifth.—Provided however that in every instance of property being attached in execution of a decree the Village Moonsif shall cause public notice of the intended sale of such property to be given by beat of drum through the village five days previous to the sale. Provided further that it

Attachment to be withdrawn on satisfaction of the Judgment being made previous to the time fixed for sale.

shall be at the option of the party cast to satisfy the judgment at any time previous to the period fixed for the sale; and that on his satisfying the judgment by paying the amount of the Village Moonsif, or to the peon, if he should have arrived, together with the batta of the peon and all other attending expenses according to a certificate to be furnished by the Village Moonsif, the Village Moonsif shall withdraw the attachment and restore the property to the possession of the owner.

Resistance to a sale to be punished as a breach of the peace.

Sixth.—Resistance to a sale, ordered by a Village Moonsif shall be considered to be a breach of the peace, and shall be punished as such.

Register of all sales by auction to be kept.

What it is to contain.

XXX. The Village Curnum shall keep a register of all sales by auction in his village in satisfaction of decrees, noting therein the day of sale, the particulars of property sold, its amount, the name of the purchaser and his residence.

Suits tried by Village Moonsifs exempt from fees, stamp duties and all charges.

Exception.

XXXI. Suits tried by Village Moonsifs shall be exempt from fees, stamp duties, batta and charges of every description excepting those specified in section XXIX of this Regulation.

Suits in which Village Moonsifs are parties by whom to be tried.

XXXII. Suits in which the Village Moonsif is a party shall be tried by the Moonsif of another village, or by the District Moonsif.

Village Moonsifs to determine suits at the instance of both parties as Arbitrators.

XXXIII. Village Moonsifs are authorized to hear, try, and determine all suits coming under the following descriptions provided both the parties interested in such suits shall voluntarily agree in writing to refer them to his decision, and shall voluntarily subscribe bonds in the presence of two or more credible witnesses who shall attest the same, binding themselves to abide by the decision of the Moonsif to whom they may refer the suit, whether he be the Moonsif of their own village or of any other.

Description of the suits.

(1) Suits for land exempt from the payment of rent in money or in kind, either to Government or to any individual repesenting Government and receiving its dues; the annual produce of which land shall not exceed ten Arcot rupees

(2) Suits for land subject to the payment of rent in money or in kind either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed one hundred Arcot rupees.

(3) Suits for houses, gardens, tanks or any real property not of the descriptions before mentioned, the value of which shall not exceed one hundred Arcot rupees.

(4) Suits for sums of money or other personal property, the amount or value of which shall not exceed one hundred Arcot rupees.

By what rules they are to be guided in deciding them.

XXXIV. In trying the suits described in the foregoing section the Village Moonsif shall be guided by the rules prescribed for his conduct in trying the suits preferred to him under the provisions of section V of this Regulation, so far as those rules may be applicable.

Decisions in such cases not to be set aside, except on proof of corruption or gross partiality.

XXXV. The decisions in such cases shall not be set aside by the Zilla Judge except at the instance of either party for corruption or gross partiality proved to the full satisfaction of the Zilla Judge by oath of two credible witnesses.

By what laws the decisions of Village Moonsifs are to be regulated.

Exposition of the law how to be obtained.

XXXVI. *First.*—In all cases of inheritance of or succession to landed property the Mahomedan law with respect to Mahomedans and the Hindoo law with respect to Hindoos are to regulate the decisions of the Village Moonsif; and the Village Moonsif in all such cases is to obtain an exposition of the law from the Law officers of the Zilla Courts to whom he is to transmit a written abstract of the case for this purpose through the District Moonsif.

Notification to be issued in suits relative to the inheritance of or succession to landed property.

All claimants to be included in the decisions.

Second.—In all such suits the Village Moonsif is to cause to be affixed in some conspicuous part of the village a written notification of the claim preferred with a requisition to all persons who have any claim to the property sued for to prefer the same within a limited period and his decision is to include all claimants to the property in question, who according to the law of the parties have a just and legal title to share therein.

No exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

XXXVII. *First.*—The Village Moonsifs are prohibited from admitting as an exhibit, or from receiving in evidence any obligation, bond, deed or document, whether it be the original or a copy, of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulation.

Second.—A list of the prescribed rates of duties on stampt paper and stampt cadjan specifying the dates on which it was enacted that the collection of those duties respectively should commence, shall be furnished by the Collectors to every Village Curnum in their respective Zillas, for the guidance of the Village Moonsifs.

A list of rates of duties on stampt paper and stampt cadjans to be lodged with the Village Curnum.

XXXVIII. The Village Moonsif shall on the fifth day of every month transmit to the District Moonsif a report written by the Curnum of the suits decided in the preceding month according to the following form * to be forwarded to the Zilla Judge.

Monthly report of suits decided to be sent to the District Moonsifs.

XXXIX. The Village Moonsif shall on the last day of the 6th and 12th month of the fusly year transmit to the District Moonsif reports of the causes depending before him drawn out in the following form* by the Curnam to be forwarded to the Zilla Judge.

As also the half yearly reports of depending suits.

XL. These reports shall be forwarded by the public tappal or a peon to the District Moonsif, or to the nearest Police Officer, who shall give a receipt for them and forward them to the District Moonsif.

How to be forwarded.

A copy of this Regulation shall be lodged with and preserved by each Village Curnum for the information of the Village Moonsifs.

REGULATION II.

A Regulation for authorizing Village Moonsifs to assemble Punchayets for the adjudication of Civil suits within their respective jurisdictions and for defining the powers and authority to be vested in such assemblies. Passed by the Governor in Council of Fort St. George on the .

I. It being desirable that Civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George, should be referred for adjudication to assemblies denominated Punchayets, and that for the purpose of facilitating such reference, the Village Moonsifs should be authorized to summon a Punchayet on the application of one or both parties in a suit, and to refer such suit to be heard, tried, and determined by such Punchayet; and it being deemed expedient to protect Village Moonsifs, and members of Village Punchayets from being called to account for their conduct in the performance of these duties except on charges of corruption, the Governor in Council has enacted the following rules.

Preamble.

Village Moonsifs to summon Punchayets within their respective villages.

II. *First.*—Village Moonsifs are hereby declared to be authorized to summon Punchayets within their respective villages under the following rules.

In what cases at the request of one of the parties only, if the other be resident within the village.

Second.—In cases where one only of the parties, whether plaintiff or defendant, shall prefer to the Village Moonsif a written request that the suit may be tried by a Punchayet, if the other party shall be found to be actually resident within the village and not otherwise, the Village Moonsif shall summon a Punchayet and refer the matter in dispute for their investigation and decision, provided first, that if the suit be for land of the description specified in clause second, section V, Regulation I of 181 , the annual produce of such land shall not exceed ten Arcot rupees; secondly, that if the suit be for land of the description specified in clause third, section V, Regulation I of 181 , the annual produce of such lands shall not exceed one hundred Arcot rupees; and thirdly, that if the suit be for real property not of the description abovementioned, or for sums of money or other personal property, the value or amount of such property shall not exceed one hundred Arcot rupees.

Proviso respecting the description and amount of the suit.

Punchayet to consist of an odd number not less than five nor more than eleven.

III. *First.*—The Punchayet shall always consist of an odd number, never less than five, nor more than eleven.

Second.—The Punchayet shall be composed of the most respectable inhabitants of the village, who shall be called upon to serve in rotation whenever their number is sufficient for this purpose, and any inhabitant refusing to serve on a Punchayet shall be liable to be fined at the discretion of the Village Moonsif in a sum not exceeding five Arcot rupees.

Of whom to be composed.

Refusing inhabitants liable to fine.

Inhabitants of a neighbouring village may be placed on Punchayet.

Third.—Any respectable inhabitant of a neighbouring village may be placed on a Punchayet if he be willing to undertake the duty.

Fourth.—When the parties in suits are of different castes or professions, the Village Moonsif shall, in all practicable cases, name an equal number of persons of the caste or profession to which each party may belong to compose a part of the Punchayet, and shall complete it by the selection of a person or persons belonging to a caste or profession different from those of both the parties.

When the parties are of different castes, how the Punchayet is to be formed.

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* Not printed.

Fifth.—If either party shall object to any one or more of the members nominated to compose the Punchayet, and the Village Moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to, and appoint others to serve in their stead.

Challenged members to be withdrawn.

IV. *First.*—The Village Punchayet being formed, as prescribed in the foregoing section shall proceed to investigate the matter referred to them in conformity to the following rules.

How the Punchayet is to proceed.

Second.—Vakeels for plaintiffs and defendants shall be admitted to plead before Village Punchayets provided that every person so appearing as a vakeel be a relative, servant, or dependant of the person by whom he may be employed, and provided he be furnished with a Vakalutnamah, describing his relation to his employer, whether of consanguinity, affinity, or dependence, and the matter in which he is empowered to act: such Vakalutnamah shall be exhibited and read by the vakeel before he be permitted to do any act in the suit.

Vakeels to be relatives, servants or dependants of the parties employing them.

To be furnished with Vakalutnamahs containing what.

Third.—The parties being present in person or by vakeel, the Village Punchayet shall receive the written plaint of the complainant; which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Fourth.—The plaint shall be read by the plaintiff or his vakeel to the defendant or his vakeel, and the defendant or his vakeel shall be required by the Punchayet to give in his answer either immediately, if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Plaint to be read to the defendant.

Answer to be required.

Fifth.—The defendant shall state in his answer all that he has to say regarding the case and no further pleadings shall be admitted.

Answer to state every thing regarding the cases.

No further pleadings to be admitted.

Sixth.—The Punchayet after the answer has been given in shall receive from the plaintiff and defendant their exhibits and lists of their witnesses and shall fix a day for the trial with reference to the convenience of the parties and witnesses respectively.

Exhibits and lists of witnesses to be then received and a day to be fixed for the trial.

Seventh.—The Punchayet shall immediately communicate the list of witnesses and the day fixed for the trial to the Village Moonsif, who shall require the witnesses to be in attendance on that day.

List of witnesses and the day fixed for trial to be communicated to the Village Moonsif.

How he is to proceed.

Eighth.—The parties and witnesses being in attendance on the prescribed day, the Punchayet shall proceed to take the depositions of the witnesses in the manner usual in the castes to which they may respectively belong, and shall cause the same to be committed to writing on papers or cadjan leaves, and attested by the signature of the deponent in all cases in which the matter at issue may exceed the value of ten Arcot rupees.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Ninth.—In cases in which the matter at issue may be of smaller amount or value than ten Arcot rupees, it shall be discretionary with the Punchayet to take the deposition of the witnesses in writing or not.

In other cases Punchayet to use its discretion.

Tenth.—The Village Punchayet shall not put a question to any witness suggesting a particular answer.

Questions suggesting a particular answer not to be put.

Eleventh.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the Punchayet shall suspend the trial and report it to the Village Moonsif, who shall cause to be affixed in some conspicuous place of the village a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Trial to be suspended on the non-appearance of the parties or either of them.

To be reported to the Village Moonsif.

Notice to be fixed; what containing.

Twelfth.—If the plaintiff shall not appear at the time fixed in the notice, the Punchayet shall dismiss his suit and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the Punchayet, and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in section XXIX, Regulation I of 181 , unless he shall immediately pay the amount.

Suits to be dismissed on the non-appearance of the plaintiff.

How to be recovered.

Thirteenth.—If the defendant shall not attend at the time fixed in the notice the Punchayet shall proceed to try the cause *ex parte*.

Cause to be tried *ex parte* on the non-appearance of the defendant.

What circumstances to be reported to the Village Moonsif.

How he is to proceed.

V. In cases where a witness shall neglect to attend or attending shall refuse to give his testimony or be otherwise guilty of disrespect to the Village Punchayet, as also where the evidence of a person is required, who resides beyond the jurisdiction of the Village Moonsif; as also in the cases of persons whose testimony may be required, but whose rank or caste may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the Village Punchayet, they shall report the circumstances to the Village Moonsif, who is hereby authorized and directed on receiving such reports to take the same measures for procuring the attendance or testimony of the witnesses or for punishing the contempts as he would have taken under sections XV, XVI and XIX, Regulation I of 181 , if the circumstances represented had occurred before himself.

When the decree is to be written.

VI. When both parties have been heard and the whole of the evidence has been gone through, the Village Punchayet shall order the parties and witnesses to withdraw and shall write their decree according to justice and right.

What the decree is to contain.

Penalty for litigious and vexatious suits.

VII. The decree of the Punchayet shall contain the names of the parties, and the names of the witnesses examined and the titles of the exhibits read. It shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and an elucidation of the principal grounds and reasons on which the decision may be passed. It shall state specifically the amount of value of the property adjudged. If any claims shall appear to the Punchayet to be evidently litigious and vexatious they shall adjudge suitable costs and damages against the plaintiff payable to the defendant, and insert the same in the mode above directed in the decree.

Copy of the decree to be delivered to each party.

Date of the delivery to be endorsed and attested by the Punchayet.

Previous to delivery no communication of the nature of the decree to be made.

VIII. Two copies of the decree shall be prepared by the Village Punchayet on cadjan leaves or the material which may be in common use in the district, which shall be attested by their signatures and be put under a sealed cover, and delivered to the Village Moonsif, who shall require the parties together with the Punchayet to assemble at a convenient day, not being latter than three days from his receipt of the decree, and having assembled them shall open the seal in presence of the parties, and shall cause the Punchayet to endorse on each copy the date of the delivery, and attesting the same with their signatures, to deliver to each party in his presence a copy of the decree; but no communication shall be made to the Village Moonsif or to either party of the nature of the decree previously to its delivery.

Non-appearance or refusal to receive a copy to be endorsed on it.

Copy so endorsed to be deposited with the Curnam.

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the Punchayet shall endorse on the copy intended for such party such omission or refusal and noting the date shall attest the same with their signatures and deposit the copy so endorsed with the Village Curnam to be delivered to the party if he should afterwards claim it.

Proceedings of the Punchayet to be written by one of the members.

X. The proceedings of the Village Punchayet shall be written by one of the members.

Appeals from decrees of Punchayets.

Proviso.

Institution fee to be paid.

XI. *First.*—Any person dissatisfied with the decree of a Village Punchayet passed under the foregoing sections of the Regulation, in which the sum of money or matter adjudged or disallowed shall exceed the amount or value of ten Arcot rupees, may appeal to the District Moonsif in whose jurisdiction the Village may be situated provided he present his petition to the District Moonsif within fifteen days from the delivery of the decree or its rejection when tendered accompanied by a copy of the decree; and shall at the same time pay to the District Moonsif an institution fee of one anna in the rupee on the amount of value forming the ground of appeal.

The presenting a petition without copy of the decree and institution fee not to preserve the right of appeal.

Second.—The presenting of a petition to the District Moonsif unaccompanied by the copy of the decree appealed from and institution fee shall not be held to preserve to the petitioner his right of appeal.

Decrees of Village Punchayets not to be set aside for want of forms.

Third.—Decisions passed by Village Punchayets under the foregoing sections shall not be set aside for want of form, or for irregularity in their proceedings but on the merits only.

Village Moonsifs not to receive or refer to Punchayets any suits for personal damages.

XII. Village Moonsifs shall not receive nor refer to a Punchayet for trial any suit for damages on account of personal injuries, or for personal damages of whatever nature.

Moonsifs authorized to refer to Punchayets suits of any amount at the request of the parties jointly.

XIII. *First.*—In addition to the powers vested in Village Moonsifs to refer to Punchayets suits of limited amount in which one of the parties only shall desire such reference, it is hereby further provided that in suits of any amount where the parties may jointly agree that the matter at issue shall be determined by a Village Punchayet and may accordingly prefer a request in writing to the Village Moonsif, whether he be the Moonsif of the village in which the parties reside, or of any other village, he shall proceed to form a Punchayet according to the following rules.

The parties to name two members each and the Moonsif to name the other.

Second.—Where the parties may desire it, they shall each name two members and the Moonsif shall name another person, who may be unobjected to by the parties to form the Punchayet.

In what case the Village Moonsif is to name the Punchayet.

Parties may challenge any of the members.

Third.—If the parties shall not desire to name their own members the Village Moonsif shall name five respectable persons, leaving to the parties to object to any one or more of them under the provisions contained in section III of this Regulation, and supplying the place of those against whom there may be reasonable objections by others who may be considered unobjectionable.

On the Punchayet being agreed to, how the Moonsif is to proceed.

Fourth.—Upon the Punchayet being agreed to, the Village Moonsif shall summon them to assemble on a day fixed for the purpose, and shall require the parties to be in attendance.

A bond to be taken from the parties.

After the bond shall be executed Punchayet to proceed to investigation.

XIV. The Punchayet being assembled shall commence their proceedings by taking from the parties a bond in the names of the members of the Punchayet, severally and jointly binding themselves in a penaltly of double the amount of the sum of money or value of the matter at issue to abide by the decision of such Punchayet. After the bond shall be executed by the parties respectively, the Punchayet shall proceed to investigate the matter in dispute in conformity to the rules prescribed in section IV of this Regulation, so far as those rules may be found applicable.

No appeal allowed from the decrees of Punchayets.

In cases of gross partiality or corruption, how the party is to proceed.

Decree to be annulled on proof of corruption or partiality.

And the parties may have recourse to another Punchayet.

XV. No appeal shall be permitted from decisions passed by Village Punchayets under the preceding section; but if Village Punchayets shall be guilty of gross partiality or corruption, it shall be at the option of either party to bring the matter by petition under the notice of the Judge of the Zilla, who provided the partiality or corruption charged against the Punchayet be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree and the parties shall be at liberty to have recourse to another Punchayet or to any competent jurisdiction.

Suits tried by Village Punchayets exempt from fees, stamp duties and all charges.

Exception.

XVI. Suits tried by Village Punchayets shall be exempt from fees, stamp duties, batta and all charges of every description except the cost of the material whether paper or cadjan leaves on which the proceedings and decree may be written, the amount of which shall be inserted in the decree and be levied from the party cast.

Rate of interest to be allowed.

XVII. Village Punchayets shall not allow in their decrees a larger rate of interest than Village Moonsifs are authorized to allow under section XXII, Regulation I of 181 .

In cases of inheritance of or succession to landed property, by what rules Punchayets are to be guided.

XVIII. In all cases of inheritance of or succession to landed property Village Punchayets shall be guided by the rules prescribed in section XXXVI, Regulation I of 181 .

By what rules they are to be guided with respect to the admission of obligations, deeds and documents.

XIX. In respect to the admission of obligations, deeds, and documents, the Village Punchayets shall be guided by the rules prescribed in section XXXVII, Regulation I of 181 .

Village Moonsifs to carry into execution the decree of Punchayets.

Proviso.

XX. *First.*—Decrees of Village Punchayets in cases referred to them either under section II or section XIII of this Regulation, shall be carried into execution by the Village Moonsif under the rules prescribed in section XXIX, Regulation I of 181 , provided first, that if the suit be for land of the description specified in clause second, section V, Regulation I of 181 , the annual produce of such land shall not exceed ten Arcot rupees, secondly, that if the suit be for land of the description specified in clause third, section V, Regulation I of 181 , the annual produce of such land shall not exceed one hundred Arcot rupees: and thirdly, that if the suits be for real property not of the description abovementioned, or for sums of money or other personal property the value or amount of such property shall not exceed one hundred Arcot rupees.

Second.—In suits for land of the description specified in clause second, section V, Regulation I of 181 , the annual produce of which shall exceed ten, but not exceed twenty Arcot rupees; in suits for land of the description specified in clause third, section V, Regulation I of 181 , the annual produce of which shall exceed one hundred but not exceed two hundred Arcot rupees; and in suits for real property not of the description abovementioned, and for sums of money or other personal property, the amount or value of which shall exceed one hundred but not exceed two hundred Arcot rupees; the decrees of Village Punchayets shall be carried into execution by the District Moonsifs on the application of the party praying execution of the Judgment, provided such application shall be made within three months from the date of the delivery of the decree.

In what cases the decrees are to be carried into execution by the District Moonsifs.

Proviso.

Third.—In all other cases the decisions of Village Punchayets shall be carried into execution by the Zilla Judge in the mode prescribed by the Regulations, provided that application praying for the execution of the decree shall be preferred to the Zilla Judge within six months from the date of the delivery of such decree.

In all other cases the decrees of Village Punchayets to be carried into execution by the Judge.

Proviso.

XXI. Petitions to the Judge of the Zilla praying execution of the decisions of Village Punchayets shall be written on stampt paper of the prescribed rate according to the amount decreed and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Petitions to the Judge praying execution of the decrees of Village Punchayets to be written on stampt paper.

Fee to the vakeel presenting the petition.

XXII. *First.*—Reports of causes tried by and depending before the Village Punchayets shall be transmitted by the Village Moonsifs to the District Moonsifs at the periods and in the manner prescribed in sections XXXVIII, XXXIX and XL, Regulation I of 181 .

When and what reports to be transmitted.

Second.—The reports shall be drawn up agreeably to the forms contained in the appendix * to this Regulation.

Reports how to be drawn up.

XXIII. Village Moonsifs and members of Village Punchayets shall not be liable to be called before the Zilla Judges to answer for their conduct except on charges of corruption, but if a party in a suit which may have been referred by a Village Moonsif to a Village Punchayet for trial shall charge such Village Moonsif or any member or members of such Village Punchayet with corruption and shall make oath to the truth of such charge, the Zilla Judge shall immediately on receiving such complaint on oath, summon the person or persons so charged with corruption, and proceed to investigate the matter, and if the corruption charged shall be established to the satisfaction of the Judge, he shall fine the person or persons so offending in a sum equal to three times the amount of the sum of money or value of the property which such person or persons may be proved to have received, and the Judge shall pay the amount of the fine so levied to the prosecutor.

Village Moonsifs and members of Punchayets not liable to be called upon to answer for their conduct.

Exception.

How the Judge is to proceed on a charge of corruption against a Village Moonsif or member of a Punchayet being preferred to him.

Fine to be levied on proof of corruption.

Fine to whom to be paid.

REGULATION III.

A Regulation for reducing into one Regulation the rules which have been passed regarding the office of Native Commissioners for modifying and extending their powers in the trial and decision of Civil suits, and for authorizing them under the designation of District Moonsifs to discharge certain additional duties. Passed by the Governor in Council of Fort St. George on the .

I. Whereas the rules which have been enacted for constituting the office of Moonsifs or Native Commissioners for the trial and decision of causes of a certain amount have appeared in some instances to require revision, and whereas it is expedient with the view of expediting the trial and decision of Civil suits to extend the jurisdiction of the said Moonsifs and to authorize the Judges of the Zilla Courts to employ them in the execution of certain additional duties, and whereas it will contribute to the public convenience to transfer to the Provincial Courts the control now exercised by the Sudder Adalet in the appointment and removal of Moonsifs, and to reduce into one Regulation the provisions applicable to the office of District Moonsifs, the following rules have been enacted.

Preamble.

II. Regulation XVI of 1802, such part of section XXIII Regulation XXVIII of 1802 as regards Native Commissioners, section II and such part of section V, Regulation V of 1808, as regards Native Commissioners, clauses third, fourth and fifth, section XIII and sections XIV, XV, XVI, XVII, XVIII, XIX, XX and XXIII

Regulations XVI of 1802, part of section XXIII, Regulation XVIII of 1802, section II part of section V, Regulation V of 1808, clauses 3rd, 4th and 5th, section XIII and sections XIV, XV, XVI,

* Not printed.

XVII, XVIII, XIX, XX and XXIII, Regulation VII of 1809 and section IX, Regulation II of 1811 rescinded.

Regulation VII of 1809, and section IX, Regulation II of 1811, are hereby rescinded.

Commissions to referees and arbitrators to be cancelled.

III. On the receipt of this Regulation the Zilla Judges shall recall and cancel all commissions which may have been granted to natives, authorizing them in the capacity of referees and arbitrators only and not in that of Moonsifs, to hear and determine Civil suits and the office of referee and arbitrator as a distinct office shall be abolished.

Moonsifs being referees and arbitrators to determine all depending suits before them.

IV. In cases in which the office of referee and arbitrator is united with that of Moonsif, such Moonsif is authorized to hear and determine all causes now depending before him whether in his capacity of Moonsif, referee, or arbitrator.

New establishment of Moonsifs to be submitted by Zilla Judges to the Provincial Courts.

And places to be fixed on for these cutcherries.

V. *First.*—The Judges of the several Zillas shall on the receipt of this Regulation prepare and submit to the Provincial Court a new establishment of District Moonsifs, whose local jurisdictions shall be so arranged as to include one or more whole Tahsildaries or Police jurisdictions. They shall at the same time report to the Provincial Courts the name of the town or village in each jurisdiction which may be best adapted for the establishment of each Moonsif's cutcherry.

Former Sunuds to Moonsifs to be cancelled and new ones to be issued to them confirmed by the Provincial Court.

Second.—When the selection of District Moonsifs for each Zilla and the places in which their respective cutcherries are to be held shall have been approved by the Provincial Court the whole of the Sunuds which may have been formerly granted to Moonsifs shall be recalled and cancelled and their offices abolished.

No person to officiate as District Moonsif without the sanction of the Provincial Court on the recommendation of the Zilla Judge.

VI. The Zilla Judges shall recommend to the Provincial Courts the persons whom they may deem fit for the office of District Moonsif, but no person shall be authorized to officiate as a District Moonsif without the previous sanction of the Provincial Court, nor unless he be of the Hindoo or Mahomedan persuasion.

Mode of proceeding for the removal of Moonsifs from office.

VII. *First.*—Whenever a Zilla Judge shall see cause for the removal of a District Moonsif for any misconduct, incapacity or other disqualification, the Judge shall report the circumstances of the case with his opinion to the Provincial Court, who will pass such order on the report as may appear to be proper, or will call for any additional information which the nature and circumstances of the case may require.

Zilla Judges in certain cases to suspend Moonsifs from office.

Second.—Whenever a District Moonsif may be guilty of exaction or of any other gross act of misconduct the Judge is authorized to suspend him from his office, but in such instances it shall be the duty of the Judge to report the circumstances of the case without delay for the information and orders of the Provincial Court.

Or to fine them as far as twenty rupees.

Third.—In other cases of misconduct and neglect of duty, which may not be of a nature to require either the suspension or dismissal of a District Moonsif from his office, the Judge is authorized to impose on the Moonsif a fine not exceeding twenty rupees in amount; and the order of the Judge in such cases shall be final.

Moonsifs to be dismissed only by the Provincial Courts.

Fourth.—No District Moonsif shall be removed from his office unless the Provincial Court shall be satisfied that there is sufficient cause for his removal.

Moonsifs may be sued for corruption and are liable to cost and damages.

VIII. *First.*—Moonsifs shall be liable to an action in the Civil Court for corruption in the discharge of their trust or for extortion, or for any oppression or unwarranted act of authority and upon proof of the charge to the satisfaction of the Judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Moonsifs liable to criminal prosecution and to fine and imprisonment.

Process not to be issued without previous enquiry into the charge.

Second.—Moonsifs shall also be liable to a criminal prosecution for extortion, or other acts of oppression committed by them in the discharge of their duty and on conviction before the Court of Circuit shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case; but no Moonsif shall be liable to be prosecuted for want of form or for error in his Proceedings or Judgments nor shall any process be issued against a Moonsif who may be charged with extortion or any oppression or unwarranted act of authority unless the Judge shall be previously satisfied by sufficient evidence that there is reason to believe the charge to be well founded.

District Moonsifs to be furnished with a Sunud.

IX. Every person who may in future be appointed to the office of District Moonsif shall be furnished by the Judge with a Sunud drawn up according to the form No. 1 of the Appendix * to this Regulation; and previously to

* Not printed.

And to take and subscribe an oath or solemn declaration.

entering upon the duties of his office, he shall take and subscribe an oath according to the form prescribed in No. 2 of the Appendix.* The Judge however is empowered, in all cases in which he may deem it expedient, to exempt such Moonsif from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

Copy of the Sunuds to be affixed in their cutcherries.

X. Whenever a Sunud may be granted to a District Moonsif under the preceding section, a copy of it under the official seal and signature of the Judge shall also be delivered to him, in order that it may remain permanently affixed in some conspicuous place in his cutcherry.

Suits cognizable by the District Moonsifs.

XI. *First.*—The persons who may be invested with the powers of District Moonsif under this Regulation are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions under the following limitations.

Second.—For land exempt from the payment of rent in money or in kind either to Government or to any person representing Government and receiving its dues, the annual produce of which land shall not exceed twenty Arcot rupees.

Third.—For land subject to the payment of rent in money or in kind either to Government or to any person representing Government and receiving its dues, the annual produce of which land shall not exceed two hundred Arcot rupees.

Fourth.—For houses, gardens, or any real property not of the descriptions before mentioned, the value of which shall not exceed two hundred Arcot rupees.

Fifth.—For sums of money or other personal property the amount or value of which shall not exceed two hundred Arcot rupees.

Limitation with respect to the commencement of the cause of action and the institution of certain suits.

Exception to the rule.

Sixth.—Provided that in any of the cases specified in the second, third and fourth clauses of this section the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof either that he had demanded the matter in question and that the defendant had admitted the justice of the demand, or that he directly preferred his claim within the above-mentioned period to a competent authority and in such case that he assign satisfactory reasons to the Moonsif why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Limitation with respect to suits for money or other personal poperty.

Exception.

Seventh.—Provided further that any suits for money and other personal property be not entertained by any District Moonsif, if the cause of action shall have arisen more than two years previous to the institution of the suit, except the plaintiff shew good and sufficient cause, as described in the sixth clause of this section, for not having instituted the suit before.

Or

Cause of action to have arisen within twelve years before the institution of the suit.

Exception.

" *Sixth.*—Provided that in any of the cases specified in the preceding clauses of this " section the cause of action have arisen within twelve years previous " to the institution of the suit, or that the plaintiff do shew by clear " and positive proof either that he had demanded the money or matter " in question and that the defendant had admitted the justice of the " demand, or that he had directly preferred his claim within the period " above mentioned to a competent authority and in such case, that he " assign satisfactory reasons to the Moonsif why he did not proceed in the suit, or prove that " from minority or other good and sufficient cause he was precluded from obtaining redress."

Prohibited trying suits from damages of any nature without orders.

XII. *First.*—District Moonsifs shall not receive or try any suit for damages on account of personal injuries or for personal damages of any nature without an order of reference to them from the Zilla Court.

Also from trying suits in which certain persons may be parties.

Second.—District Moonsifs are prohibited from hearing, trying or determining any suits in which they themselves or their relations or dependants or other persons employed in their cutcherries may be parties or in which a British subject or an European foreigner or an American may be a party.

And from allowing persons to sue as paupers.

Third.—District Moonsifs are further prohibited from allowing any party in a suit to plead before them *in formâ pauperis.*

Suits to be tried by the Moonsifs themselves and under what rules.

XIII. District Moonsifs are themselves to investigate the suits cognizable by them in a public cutcherry or court room, and are not to allow their officers, servants, or dependants, or any other person to interfere therein. In receiving, trying and determining suits they shall be guided by the rules prescribed in the following sections and in points not expressly provided for in this Regulation they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the Zilla Courts in the trial and decision of Civil suits.

* Not printed.

Certain Sunuds granted to vakeels to be cancelled.

XIV. *First.*—The Zilla Judges shall recall and cancel all Sunuds granted to vakeels under section XVII, Regulation VII of 1809.

Vakeels to be relatives, servants, or dependants of parties employing them.

Second.—Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to plead before the District Moonsif on furnishing the person to be so employed with a Vakalutnamah describing his relation to his employer, whether of consanguinity, affinity or dependance and the matter in which he is empowered to act.

No person to act as vakeel before his Vakalutnamah has been sent and exhibited.

Third.—District Moonsifs shall not in any case permit any person to act as the vakeel of another until such person shall have exhibited and read in open court a Vakalutnamah containing the information required by the preceding clause.

Limitations regarding the rate of interest be allowed in decrees.

XV. District Moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the Courts of Adalet are permitted to allow by Regulation XXXIV of 1802.

Fees to be levied on suits preferred to the District Moonsifs.

XVI. *First.*—The District Moonsifs shall levy from the plaintiff in every suit which may be preferred to them in the first instance a fee of one anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

No suit to be received until the fees be paid.

Second.—They shall not receive any such suits until the prescribed fees shall have been paid.

The payment to be endorsed on the petition.

Third.—They shall endorse on the petition the amount of the fee and the date of the receipt and sign the endorsement.

What matters are to be stated in the plaint.

XVII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction and may tend to bring the matter in dispute to a distinct issue.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

And to be inserted in a register book.

XVIII. It shall be the duty of the District Moonsif to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered, and dated in the order in which it may be received by the Moonsif and the number of the suit, the names of the parties, the date on which the petition is received, and the amount claimed, and the subject matter of the suit shall be carefully entered in a book to be kept by the Moonsif according to the form No. 3 of the appendix.* Two blank columns shall be left in the book, in the first of which shall be inserted the date of the decision and an abstract of the final order passed in each suit, shewing whether the claim be decreed in whole or in part, or non-suited or adjusted by Razeenamah, or dismissed on investigation of the merits, or otherwise disposed of, and the amount of the costs adjudged against either or both of the parties. In the second blank column shall be inserted, the date on which the copies of the decrees may be furnished or tendered to the parties. With a view to ascertain that the register books are regularly kept in the manner above prescribed, and that depending suits are brought to a hearing according to their order on the file, the Zilla Judges are respectively required to inspect them once at least in each year, and for this purpose shall require the several District Moonsifs to transmit them to the court during the period of the vacation or at any other time as may be most convenient.

The Zilla Judge to inspect the register once yearly.

What notice to be served on the defendant.

XIX. *First.*—When the complaint shall have been thus received, and entered in the book according to the prescribed form, the District Moonsif shall cause to be served on the defendant a written notice, under his seal and signature, containing only the number of the suit, the names of the parties and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver and answer to the plaint on or before a certain day which must be specified in the notice.

To whom the notice is to be delivered.

Second.—The District Moonsif shall deliver the notice to the plaintiff or to his vakeel and the plaintiff may either himself serve the notice on the defendant or through any other person whom he may choose to employ for that purpose, provided, however, that the name of the person intended to be employed in this duty be in all cases endorsed on the notice by the District Moonsif previously to its being delivered to the plaintiff or his vakeel for execution:

Notice how to be served.

Third.—The person through whom this notice may be served, shall require from the defendant a written acknowledgment to be endorsed on the back of the notice, signifying that it has been duly served upon him and he shall further cause some of the defendant's neighbours, or Curnum, or other principal inhabitant of the village, or the Tannaholder of the ward to witness the due execution of the service, and he shall at all times state in his report the name or names of such witness or witnesses.

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* Not printed.

XX. When the defendant may be weavers, or a person employed in the provision of the Company's investment under the Commercial Residents or in the provision of salt, the notice above prescribed shall be inclosed, within a sealed cover addressed to the Resident or Agent, or to the Assistant, or to the Gomasta, Ameen, or head officer of the nearest station subordinate to them, and shall be subscribed with the official seal and signature of the District Moonsif. The Resident or Agent, or his Assistant or Head Native officer, shall cause the notice to be duly served and acknowledged by the defendant and shall then return it to the District Moonsif.

Notice how to be served on weavers and persons employed in the manufacture of salt.

XXI. *First.*—If a defendant who may have been served with a notice as directed in the two preceding sections shall not appear in person or by vakeel within the time specified, or of having appeared he shall refuse to answer the plaint, the District Moonsif shall proceed to try the cause *exparte*, and after examining the plaintiff's evidence in support of his claim, the District Moonsif shall give judgment in the same manner as if the defendant had appeared and answered to the plaint.

Under certain circumstances the cause to be tried *exparte*.

Second.—It shall however be the duty of the District Moonsif, previously to trying the cause *exparte*, to make such enquiries from the person who served the process, and from the persons who witnessed such service as may satisfy his mind that the notice was duly served on the defendant.

What inquiries to be made previous to trying the cause *exparte*.

XXII. *First.*—In cases in which a defendent to whom a notice may have been issued in conformity with the preceding sections, may abscond or conceal himself, or cannot after diligent search be found, or shall refuse to give the required written acknowledgment the person entrusted with the execution of the process, shall certify the same on the back of the notice and shall require some person or persons, being neighbours of the defendent, to certify on the back of the process, that after diligent search the defendant cannot be found, or that he has refused to give the required written acknowledgment.

The absence of the defendant or his refusal to acknowledge the service how to be certified.

Second.—When a return to this effect is made the District Moonsif shall cause a proclamation written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry and a copy of the same on the outer door of the defendant's usual place of residence, or some other conspicuous place near it. The proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person, or by vakeel, within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

In such cases proclamation to be issued.

What it shall contain.

Third.—If the defendant shall still not appear in person or by vakeel, the District Moonsif, on the expiration of the period limited in the proclamation, shall proceed to try and determine the suit *exparte* as is prescribed in section XXI of this Regulation.

If the defendant do not attend within the time limited in the proclamation, the suit is to be tried *exparte*.

XXIII. In suits depending before them the District Moonsifs are hereby strictly prohibited from requiring security of any kind from the defendants. If the Moonsif shall be satisfied by sufficient proof that the defendant intends to abscond and to withdraw himself from the jurisdiction of the Court, or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the District Moonsif is hereby empowered to attach the defendant's property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Moonsifs prohibited requiring security from defendants.

XXIV. When the defendant shall attend either in person or by vakeel within the period limited in the notice or proclamation or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Defendant to file an answer to the plaint any time before the plaintiff's evidence be received.

XXV. It shall be the duty of the District Moonsifs to restrain and discourage as much as possible the insertion in the answer of any matter evidently irrelevant to the suit. But the defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Moonsifs to prevent the insertion in the answer of irrelevent matter.

No further pleadings admitted.

XXVI. The District Moonsifs shall try all suits depending before them in the order in which they have been filed or numbered; provided, however, that the Zilla Judge be at all times, authorized either upon a report from the Moonsif or upon other grounds of information to direct the Moonsif to bring any particular suit or suits to a hearing and determination without attending to the regular order of the file.

Suits to be tried according to their order on the file.

Proviso.

XXVII. *First.*—In cases in which the answer shall have been filed, and the parties or either of them shall fail to appear in person or by vakeel at the time when the suit is first called over for trial, the District Moonsif shall suspend the trial, and shall affix in some conspicuous place in his cutcherry a notice that the suit will be again called over for trial after the expiration of a fixed period, not being less than ten days. If the plaintiff shall not appear before the District Moonsif in person or by a vakeel duly authorized within the limited time, the District Moonsif shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the District Moonsif shall proceed to try the cause *exparte*.

Notice to be affixed in the cutcherry if the parties are absent on the day fixed for the trial.

Mode of proceeding if either party still fail to attend.

Second.—Provided, however, that if the suit be dismissed without an investigation of the merits, and either of the parties shall appeal from the decision of the Moonsif, it shall be the duty of the court trying the appeal to determine the case on its merits, or to remand it back to the Moonsif by whom it was dismissed, or to any other competent authority for a further investigation.

Proviso for cases which may be dismissed without investigation of the merits.

XXVIII. The District Moonsifs are to try the suits depending before them by hearing the pleadings of parties by examining their documents and by taking the deposition of their witnesses in the presence of the parties or of their vakeels duly constituted. They may also examine the truth of the claim by the oaths of the parties if they mutually consent to that mode of examination.

Rules for the trial of suits depending before the Moonsifs.

XXIX. *First.*—If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the Moonsif, and such witnesses shall not attend at the requisition of the parties, the District Moonsif is authorized to summon as witnesses any persons subject to his jurisdiction excepting women whose rank or caste may be such as to render it improper to require their appearance in public. When the evidence of such women is necessary it is to be taken in the mode prescribed in clause fifth, section XVI, Regulation I of 181 .

Moonsifs authorised to summon witnesses who may not attend on the requisition of the parties.

Exception.

Second.—The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses, and shall require them to appear at the cutcherry of the District Moonsif on a specific day, and there to depose concerning the matter in dispute between the parties.

What the summons shall contain.

Third.—The District Moonsif shall deliver the summons to the party applying for it, or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person, whom he may choose to employ for that purpose, provided however that the name of the person intended to be employed in this duty be in all cases notified to the Moonsif and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode in which the summons shall be served.

XXX. If any individual whose evidence is required shall be a person employed in the provision of the Company's investment under the Commercial Residents or in the provision of salt under the agents of Government, the summons shall be served in the same manner as is prescribed in section XX of this Regulation respecting the issue of notice to a defendant.

Mode of summoning weavers and manufacturers of salt.

XXXI. *First.*—If any person upon whom a summons may have been duly served in the manner above prescribed shall not attend on the day appointed, the Moonsif is authorised to attach any property belonging to such person, which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment, the person summoned shall still omit or refuse to attend, and it shall satisfactorily appear by the oath of the party requiring his evidence, that the testimony of such person is material to the cause, the Moonsif shall report the circumstances of the case to the Judge, who will exercise his discretion in issuing such further process in order to compel the appearance of the witness before the Moonsif as might be issued under the Regulations, if the suit were depending before the Judge.

The property of witnesses who may not attend on being duly summoned to be attached.

Moonsifs how to proceed if they still do not attend.

Further process to be issued by the Judge.

Second.—If notwithstanding this further process, the attendance of the witness cannot be obtained, the Judge shall at his discretion impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized by the Moonsif under the provisions made for the execution of decrees by this Regulation.

If such process be insufficient witness to be fined.

How to be levied.

Third.—In case in which a witness duly summoned may attend before the Moonsif but shall refuse to give his evidence, or to subscribe his deposition, the Moonsif shall impose such fine upon him as may appear proper.

Refusing witnesses to be fined by the Moonsif.

XXXII. *First.*—If any District Moonsif shall require the evidence of a person not subject to his jurisdiction, and such person shall not attend at the requisition of the parties, the Moonsif shall make application to the Zilla Judge, who will issue the necessary process for procuring his attendance either through the proper officers of his own Court, or through the Judge or the Moonsif within whose jurisdiction such person may reside.

Witnesses residing in other jurisdictions how to be summoned.

Second.—If however the residence of a witness shall be at a considerable distance from the District Moonsif's cutcherry or if other circumstances should render it inconvenient or improper to compel the personal attendance of any witness, the Moonsif is hereby authorized and required to transmit to the Judge any written interrogatories, which he may think necessary or which may be suggested by the parties or their vakeels in the suit, on receipt of such written interrogatories, the Judge will proceed to obtain the evidence of the witness in the mode prescribed in section VII, Regulation III of 1802.

Cases in which evidence may be taken on written interrogatories.

Third.—The Moonsifs are enjoined to take the depositions of witnesses attending before them, with all due expedition, so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

Witnesses not to be detained longer than may be necessary.

XXXIII. The District Moonsifs shall administer to witnesses such oaths as may be considered most binding on their consciences according to their respective religious persuasions. But if the witness shall be of a rank which according to the prejudices of the country would render it improper to compel him to take an oath the Moonsif may dispense with his being sworn; and in lieu thereof, cause him to subscribe a solemn declaration under the rules prescribed in section VII, Regulation III, 1802.

The evidence of witnesses to be taken on oath when necessary.

XXXIV. The District Moonsifs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit or their respective vakeels may agree to such witness being so examined.

The declaration may be dispensed with by the consent of the parties.

XXXV. In the examination of witnesses the Moonsifs are enjoined to prevent the parties and their vakeels or agents from instructing or intimidating the witnesses, or from putting to them questions suggesting a particular answer; questions also with regard to the personal character of the parties or on points evidently irrelevant to the matter in dispute are to be avoided as much as possible.

Witnesses are not to be instructed or intimidated; irrelevant questions are to be avoided.

XXXVI. The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband) the religion, caste, profession, age, and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

What is to be contained in the deposition of a witness and how it is to be attested.

XXXVII. *First.*—No fees shall be levied on exhibits filed before the District Moonsifs, and exhibits shall be received in suits depending before them without any written application for that purpose. The Moonsifs are prohibited from admitting or filing as an exhibit, or from receiving in evidence any obligation, instrument, bond, deed, or document, whether it be the original, or a copy of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

Exhibits in suits before Moonsifs not liable to fees or stamp duties.

But no exhibits to be admitted which are not written on the prescribed stamp paper or cadjan.

Second.—Copies of all Regulations in force regarding stampt paper and stampt cadjans shall be furnished by the Zilla Judges to every District Moonsif in their respective Zillas for their guidance.

Copies of Regulation in force regarding stampt paper or cadjans to be furnished to the District Moonsifs.

Third.—When an exhibit is filed in a suit before the District Moonsif it shall be dated and signed or sealed by him, and shall be marked with some letter or number to identify it, and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses or of the proceedings or of the decree, which may allude to such exhibit.

Exhibits to be dated signed, marked and referred to in the proceedings.

XXXVIII. When the parties have been heard, and the exhibits received and considered, and the witnesses on both sides examined, the District Moonsifs shall give judgment according to justice and right.

The decision is to be passed after consideration of the pleadings, exhibits and evidence.

XXXIX. The decree shall specify the names of the parties, and the names of the witnesses examined and the titles of the exhibits received; it shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and the reasons on which the decision may be passed. It shall state specifically the amount or value of the matter adjudged and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the District Moonsif to be litigious and vexatious, he shall adjudge suitable costs and damages against the plaintiff, and insert the same in the mode above directed in the decree.

What shall be contained in the decree.

Costs and damages to be awarded in suits litigious or vexatious.

XL. *First.*—When the decision shall have been thus passed, the District Moonsif shall cause two copies of it to be prepared, and after attesting them with his seal and signature, shall, within one week after the date of the decree, tender the said copies in open cutcherry both to the plaintiff and defendant or to their vakeels respectively, he shall endorse on the said copies the date on which they may be tendered to the parties in open cutcherry, and if either or both of the parties shall fail to attend,

Two copies of the decree to be tendered to the parties, the date of the tender or the cause of the non-delivery to be certified by the Moonsif on the back of the copies.

or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Second.—Any District Moonsif who may be guilty of wilfully misstating, or falsifying, or of causing to be misstated or falsified the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties with the view of opposing a bar to their right of appeal, shall on proof thereof to the satisfaction of the Provincial Court be liable to dismission from office and to such discretionary fine to Government as may be deemed proper by that court.

Penalty for falsifying the date and purport of the endorsement and for keeping back copies of the decree from either of the parties.

XLI. The copies of decrees above directed to be tendered to the parties by the District Moonsifs shall not be written on stampt paper, nor are the plaint, answer, or any part of the proceedings of any suit before the District Moonsif required to be written on stampt paper.

Stampt paper not required in the proceedings in any suit before Moonsif.

Moonsifs may fine parties, vakeels or witnesses for disrespect.

XLII. If a party, vakeel, or witness in any depending suit shall be guilty of disrespect to the District Moonsif in open court, the Moonsif is empowered to impose a fine not exceeding one rupee on the party, vakeel, or witness so offending.

XLIII. *First.*—The District Moonsifs shall transmit to the Judge on or before the 15th of each month a report of all the suits decided by them in the preceding month, drawn up according to the annexed form No. 4 of the appendix.* These reports shall be accompanied by all the original papers and documents in the case, that they may be deposited among the records of the court.

Monthly report of suits decided to be sent to the Zilla Judge.

Half-yearly reports of depending suits to be sent to the Zilla Judge.

Second.—The District Moonsifs shall likewise transmit on or before the 15th of January and 15th of July of each year a report of the causes depending before them on the 1st January and 1st July drawn out according to the annexed form No 5 of the Appendix.*

Third.—The required monthly and half-yearly reports shall be enclosed in a cover addressed to the Zilla Judge, and sealed with the seal of the District Moonsif. The packet shall be forwarded to the Judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the Moonsif, or the Moonsif may deliver it to the nearest Police officer who shall give a receipt for it, and convey it to the Judge.

The packet how to be forwarded.

The District Moonsif empowered to enforce his decrees.

XLIV. The District Moonsif shall have authority to carry all his decrees into execution.

XLV. In suits for land of the description specified in clause second, section XI of this Regulation, the annual produce of which shall not exceed one Arcot rupee; in suits for land of the description specified in clause third, section XI of this Regulation, the annual produce of which shall not exceed ten Arcot rupees; and in suits for real property not of the description above mentioned, and for sums of money or other personal property the amount or value of which shall not exceed ten Arcot rupees, the decision of a District Moonsif shall be final.

Decrees of District Moonsifs to be final in certain cases herein specified.

Mode of proceeding where an appeal may have been admitted.

XLVI. If the suit shall have been regularly appealed the execution of the District Moonsif's decree shall be suspended or otherwise according to the orders he may receive from the Zilla Judge.

XLVII. *First.*—Whenever a party who may have obtained a decree in the court of a District Moonsif shall be desirous of having it enforced, he shall present a petition to the Moonsif either in person or through his vakeel, it shall state the number of the suit, the names of the parties, the date of the decision, and the total amount or value of the matter which may have been adjudged to the petitioner, either on account of the original claim, or of costs of suit, the petition shall further state whether an appeal has or has not been admitted from the Moonsif's decision.

Mode of obtaining the execution of a decree passed by the District Moonsif.

Second.—If the petition for the execution of a District Moonsif's decree shall not be presented within twelve months from the date of the decree, and no satisfactory cause shall be shown for the delay, such decree shall not be executed, but the party shall be allowed to institute a new suit in the Zilla Court. In the trial of such suits the defendant shall not be allowed to impugn the merits of the original judgment passed by the District Moonsif unless the suit shall have been tried *exparte* in the first instance, but he may shew that the amount originally decreed or any part of it has been subsequently paid or that the matter in dispute has been adjusted by the parties since the date of the original judgment.

If the periods limited for the execution of decrees shall have elapsed, the party to be referred to a new suit.

What may be pleaded by the defendant in such suit.

XLVIII. In cases not appealable and in cases appealable but which have not been appealed the District Moonsif shall on the petition of the party in whose favor the decree has been passed, cause his decree to be executed; if it be for real property by causing possession of the property to be delivered to the person to whom it may be decreed, if it be for personal property or a sum of money by causing the specific thing to be delivered, or the value of it, or the sum of money decreed to be levied by the public sale by auction of a sufficient

The cases stated: the Moonsif to enforce his decrees.

Process to be observed.

* Not printed.

portion, or if requisite for the satisfaction of the decree, the whole of the lands, houses and all effects, either real or personal belonging to the party against whom the judgment may have been given; or by the attachment of his person or when it may be necessary, both by the sale of his property and effects, and the attachment of his person.

XLIX. On the attachment of the person of any party in satisfaction of a decree, the District Moonsif shall send him within twenty-four hours from the time of such attachment under proper charge to the Zilla Judge to be confined in the Zilla jail; he shall as soon after as possible send to the Zilla Judge a statement of the amount levied by the sale of his effects, and of the balance still due by him.

Persons secured in satisfaction of decrees to be sent to the Zilla Judge.

L. *First.*—In cases where a District Moonsif shall attach property in satisfaction of a decree, he shall notify the day fixed for the sale by auction of such property by a written notice to be affixed fifteen days previously to the day of sale at his cutcherry and at some conspicuous place in the village where the property under attachment may be situated.

Notice of the day fixed for the sale of attached property when and where to be affixed.

Second.—The District Moonsifs shall keep registers of all sales by auction in satisfaction of decrees. The registers shall specify the day of sale, the particulars of property sold, its amount, and the name and residence of the purchaser.

Registers of all sales by auction in satisfaction of decrees to be kept.

What particulars to be specified therein.

LI. Resistance to the sale or transfer of property attached in execution of a decree passed by a District Moonsif, shall be considered a breach of the peace and shall be liable to be punished as such.

Resistance to the sale or transfer to be punished as a breach of the peace.

LII. The District Moonsifs shall be entitled to receive a commission of one anna in each rupee on the proceeds of sales in satisfaction of decrees passed by them and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of Village Punchayets under the provisions of clause second, section XX, Regulation II of 181 .

The District Moonsif to receive a fee on sales.

LIII. The District Moonsifs shall be authorised to realize the amount of fines which may be imposed by them by the attachment and sale, if necessary, of the property of the offending party.

Fines how to be realised.

LIV. The District Moonsif, on or before the fifth of each month, shall transmit to the Zilla Judge all fines which he may have levied or which he may have received from the Village Moonsifs, during the preceding month, accompanied by separate lists, stating the names and situations of the parties from whom such fines have been levied and the reasons for which the fines were imposed.

All fines levied and received to be sent to the Judge.

To be accompanied by separate lists.

What containing.

LV. *First.*—In appealable suits any person dissatisfied with the decisions of a District Moonsif, shall be at liberty to appeal from it to the Zilla Judge, provided the petition of appeal be on stampt paper and presented with the institution fee thereon within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels in conformity with section XL of this Regulation; a discretionary power however is vested in the Judge of admitting appeals from decisions of the District Moonsifs although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Mode of admitting appeals from decisions of District Moonsifs.

Second.—All petitions of appeal from decisions of the District Moonsifs are to be presented to the Judge of the Zilla in which the Moonsifs may officiate and the Moonsifs are prohibited from receiving any petitions of appeal from their own decisions.

Petitions of appeal to be presented to the Zilla Judge.

Third.—All petitions of appeal from decisions of District Moonsifs are to be presented by the appellant in person, or by one of the authorized vakeels of the Zilla Court; and if the appeal shall be admitted and the appellant and the respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the Judge.

How such petitions are to be presented.

Fourth.—Decision of the District Moonsifs are not to be set aside for want of form or for irregularity in their proceedings but on the merits only.

Decisions of Moonsifs not to be set aside for want of form.

Fifth.—When an appeal may be received from the decision of a District Moonsif, the Zilla Judge is empowered to suspend the execution of the decree provided the party appealing against it shall give good and sufficient security with a reasonable period to be fixed by the Judge to perform the decree of the court.

In what cases the Judge may suspend the execution of the decrees by Moonsifs from which appeal may be admitted.

Sixth.—The decisions of Zilla Judges on all appeals from decrees passed by District Moonsifs shall be final.

Decisions of Judges in all appeals from the decrees of District Moonsifs to be final.

LVI. The Zilla Judges may for any reason that may appear to them sufficient bring up for trial before them or their Registers, or the Sudder Ameens any causes that may be depending before the District Moonsifs.

Suits depending before Moonsifs may be tried by the Judge or referred for trial to other tribunals.

LVII. Upon the death, removal or resignation of any District Moonsif the Zilla Judge shall, if necessary, immediately nominate another person in his room for the approbation of the Provincial Court, and shall cause all papers in the causes depending before the late Moonsif to be delivered over to his successor, or otherwise to be disposed of as circumstances may require.

When a vacancy may occur in the office of Moonsif the Judge to nominate a successor.

LVIII. *First.*—The Zilla Judges may refer any plaint received by them for trial and decision to any District Moonsif within their respective Zillas whether for real or personal property of the value or amount specified in section XI of this Regulation.

Zilla Judges may refer suit of an amount stated for decision to the District Moonsif.

Second.—In the trial of such suits the District Moonsifs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as District Moonsifs.

Rules to be observed in the trial.

LIX. *First.*—The District Moonsif is authorised to hear and determine all suits which may be voluntarily referred to him by both parties whether for real or personal property, of the value or amount specified in section XI of this Regulation.

District Moonsifs may hear and determine all suits referred by both parties.

To what amount.

Second.—In suits referred to District Moonsifs under the preceding clause, an institution fee of one anna per rupee on the amount or value of the property in dispute, shall be levied from the plaintiff, and the District Moonsif is prohibited from receiving the suit until the fee has been paid.

Institution fee to be levied on such suits.

Third.—The District Moonsif, in cases referred to him under the preceding clauses shall take from the parties a bond jointly and severally binding themselves in a penalty of double the amount of the sum of money, or value of the matter at issue, to abide by his decision, such bond shall be executed in his presence and be attested by two credible witnesses.

Bond to be taken from the parties.

Fourth.—The District Moonsif in hearing and determining the suits above specified shall be guided by the same rules as have been prescribed for his conduct in trying suits preferred to him under section XI of this Regulation, so far as those rules may be found applicable.

District Moonsif by what rules to be guided in hearing and determining the suits above specified.

LX. No appeal shall be permitted from decisions passed by District Moonsifs under the preceding section; but if a District Moonsif shall be guilty of gross partiality or corruption, it shall be at the option of either party to bring the matter by petition under the notice of the Judge of the Zilla, who, provided the partiality or corruption charged against the Moonsif be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree, and the parties shall be at liberty to have re-course to another Moonsif or to any competent jurisdiction.

No appeals open from decisions in such suits.

Except in cases of partiality or corruption.

Decree to be annulled on proof of corruption or partiality.

LXI. *First.*—By clause first, section XXV, Regulation I of 181 , it is provided that an appeal shall be to the District Moonsifs from decisions passed by the Village Moonsifs; and the following rules are prescribed for the guidance of the District Moonsifs in receiving, trying, and determining such appeals.

By what rules District Moonsifs are to be guided in trying appeals from Village Moonsifs.

Second.—The petition of appeal shall be presented to the District Moonsif accompanied by a copy of the decree within fifteen days from the day on which the decree complained of was delivered or tendered to the party desirous of appealing but the District Moonsif is empowered to admit the appeal, although the petition should be presented after the prescribed time, provided that the appellant shall shew to his satisfaction good and sufficient cause for not having presented the petition within the limited period. But whenever the District Moonsif shall admit an appeal, after the time limited for appealing shall have elapsed, he shall enter his reasons for so doing on the record of the trial.

Time limited for presenting petition of appeal.

Reasons for admitting an appeal after the limited time has elapsed to be entered on the record of the trial.

Third.—The appellant shall at the time of presenting his petition of appeal pay an institution fee of one anna in the rupee on the amount or value adjudged or disallowed, and the District Moonsifs are hereby prohibited from receiving the appeal until the fee shall be paid.

Institution fee to be paid previous to the receiving of the appeal.

Fourth.—If the appellant at the time of presenting his petition of appeal shall give security for the performance of the decree which may be passed in the appeal, the District Moonsif is empowered to cause the execution of the decree passed by the Village Moonsif to be suspended by sending a written order to that effect to the Village Munsif.

In what case the execution of the Village Moonsif's decree is to be suspended.

LXII. In trying and determining appeals from the decisions of Village Moonsifs (except as to hearing witnesses and receiving evidence) the District Moonsifs shall proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations and exceptions, as are prescribed for their guidance in the trial and determination of original suits.

District Moonsifs how to proceed in trying appeals from Village Moonsifs.

LXIII. In case of appeal from the decision of a Village Moonsif passed *ex parte* under clause third, section XII, Regulation I of 181 , and from an order of dismission passed by a Village Moonsif under section XVIII, Regulation I of 181 , if it shall appear to the District Moonsif that such orders have been passed on insufficient grounds, or that the case is worthy of farther investigation the District Moonsif is authorized to direct the Village Moonsif to receive the case again on his file, and to try and to determine the cause upon its merits; and shall accordingly issue instructions to the Village Moonsif for that purpose.

In what cases the District Moonsif may order the Village Moonsif to receive the suit again on his file.

LXIV. *First.*—As a compensation to the District Moonsifs for their trouble, and for the expense of such establishment as may be necessary for the discharge of their official duties, on their passing a decision upon the merits of any suit before them, or upon any suit depending before them being adjusted by Razeenamahs of the parties, and in these two cases only they shall receive from the Zilla Judge the fee of one anna per rupee paid on the institution of such suit. If in any such instance this allowance shall be found insufficient for the above purpose the Governor in Council will sanction such salary in addition thereto as may appear requisite for the encouragement of well qualified persons to hold the office of District Moonsifs and to perform the duties of it with diligence and fidelity.

The institution fee in suits to be paid to the Moonsifs.

On decisions on the merits and Razeenamahs.

If insufficient, salary to be allowed.

Second.—District Moonsifs shall from the month succeeding the receipt of this Regulation transmit to the Zilla Judge along with the monthly reports required by this Regulation, an exact monthly statement of all sums levied and received by them on account of the institution, upon all suits instituted before them and shall at the same time remit the amount of the fees so received by them in the preceding month, the Zilla Judges shall credit in their public accounts the whole of the institution fees so remitted to them and on inspection of the monthly report of causes decided by the Moonsifs shall pay to them the amount of the institution fee authorized by the preceding clause.

The institution fee received to be sent monthly to the Judge with a statement thereof.

Credit shall be given for the same and payment to be made on inspection of the monthly report.

LXV. *First.*—The Zilla Judges are authorized to employ the Moonsifs in delivering over formal possession of lands, houses, or other real property in conformity with decrees regular or summary.

Moonsifs may be employed in giving possession of real property under decrees.

Second.—Previously however to issuing any instructions to a Moonsif for the performance of any of the duties described in this section, the Judges shall require either the plaintiff or the defendant, according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the District Moonsif for his trouble, provided such sum do not exceed the probable expense which would be incurred, if an Ameen or a native officer of the Court were employed in the execution of the same duty.

How to be remunerated in such cases.

Third.—The District Moonsif shall be entitled to receive such sum as may have been paid into court under the preceding clause except under circumstances, in which he may appear to have performed the duty entrusted to him in a negligent, unjust or improper manner. In such cases the said sum of money shall be returned to the party who deposited it in court.

Such remuneration to be forfeited if guilty of misconduct in such duty.

LXVI. The District Moonsifs may be employed at the discretion of the Zilla Judges in the attachment and sale of personal or real property for the purpose of realizing the amount of fines imposed by the Judge, Register, or Sudder Ameens, or of decrees regular or summary passed by the Zilla Judge, Register, Sudder Ameens or Village and District Punchayets and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

Moonsifs may be employed to sell personal or real property and receive a commission in such sales.

LXVII. *First.*—In all cases of inheritance of or succession to landed property, the Mahomedan laws with respect to Mahomedans and the Hindoo laws with regard to Hindoos, are to regulate the decision; and the District Moonsifs in all such cases are to obtain an exposition of the law from the Law Officers of the Zilla Court, to whom they are to transmit a written abstract of the case for the purpose, such exposition however is not to preclude a further reference to the Law Officers of the Zilla Courts, upon such points of law as may arise upon the cause in the event of its being tried in appeal.

By what laws the decisions of Moonsifs are to be regulated.

Exposition of the law how to be obtained.

Second.—In all suits relative to the inheritance of or succession to landed property the Moonsifs are to affix in some conspicuous part of their cutcherries a written notification of the claim preferred with a requisition to all persons who may have any claim to the property sued for, to prefer the same within a limited period and their decisions are to include all claimants to the property in question who according to the law of the parties whether Musulmans or Hindoos have a just and legal title to share therein.

Notification to be issued in suits relative to the inheritance of or succession to landed property.

All claimants to be included in the decision.

REGULATION IV.

A Regulation for authorizing District Moonsifs to assemble Punchayets for the adjudication of Civil suits within their respective jurisdictions, and for defining the powers and authority to be vested in such assemblies. Passed by the Governor in Council of Fort St. George on the

Preamble.

I. It being desirable that Civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George should be referred for adjudication to assemblies denominated Punchayets, and that for the purpose of facilitating such reference, the District Moonsif should be authorized to summon a Punchayet on the application of one or both parties in a suit, and to refer such suit to be heard, tried and determined by such Punchayet; and it being deemed expedient to protect District Moonsifs and members of District Punchayets from being called to account for their conduct in the performance of these duties except on charges of corruption, the Governor in Council has enacted the following rules.

District Moonsifs authorized to summon Punchayets.

II. *First.*—District Moonsifs are hereby declared to be authorized to summon Punchayets within their respective jurisdictions under the following rules.

In what cases.

At the request of one party only if the other reside within his jurisdiction.

Provided the suits be of the descriptions herein mentioned.

Second.—In cases where one only of the parties, whether plaintiff or defendant, shall prefer to the District Moonsif a written request that the suit may be tried by a Punchayet, if the other party shall be found to be actually residing within his jurisdiction, and not otherwise, the District Moonsif shall summon a Punchayet, and refer the matter in dispute for their investigation provided, first, that if the suit be for land of the description specified in clause second, section XI, Regulation III of 181 , the annual produce of such land shall not exceed twenty Arcot rupees; secondly, that if the suit be for land of the description specified in clause third, section XI, Regulation III of 181 , the annual produce of such land shall not exceed two hundred Arcot rupees; and thirdly, that if the suit be for real property not of the description abovementioned, or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred Arcot rupees.

Punchayet to consist of an odd number.

Where to sit.

III. *First.*—The Punchayet shall always consist of odd number, never less than five, nor more than eleven and it shall sit at the station, where the District Moonsif's Court is held.

Of whom to be composed.

Inhabitants refusing to serve liable to fine.

Second.—The Punchayet shall be composed of the most respectable inhabitants of the district who shall be called upon to serve in rotation, and every native inhabitant refusing to serve on a Punchayet shall be liable to be fined at the discretion of the District Moonsif in a sum not exceeding ten Arcot rupees.

Respectable inhabitants of neighbouring districts may be placed on Punchayets.

Third.—Any respectable inhabitant of a neighbouring district may be placed on a Punchayet if he be willing to undertake the duty.

When the parties are of different castes or professions, how the Punchayet is to be formed.

Fourth.—When the parties in suits are of different castes or profession, the District Moonsif shall in all practicable cases name an equal number of persons of the caste or profession to which each party may belong to compose a part of the Punchayet, and shall complete the Punchayet by the selection of a person or persons belonging to a caste or profession different from those of both the parties.

Challenged members to be withdrawn, and others appointed.

Fifth.—If either party shall object to any one or more of the members nominated to compose the Punchayet, and the District Moonsif shall consider his objections to be well grounded, he shall withdraw the member or members objected to and appoint another or others to serve in their stead.

Punchayet thus formed how to proceed.

IV. *First.*—The District Punchayet being formed as prescribed in the foregoing section shall proceed to investigate the matter referred to them in conformity with the following rules.

Vakeels to be relatives, servants or dependants of their employers.

To be furnished with Vakalutnamahs containing what.

To be read and exhibited before the vakeel be permitted to act.

Second.—Vakeels for plaintiffs and defendants shall be admitted to plead before District Punchayets provided that every person so appearing as vakeel be a relative, servant, or dependant of the person by whom he may be employed; and provided he be furnished with a Vakalutnamah, describing his relation to his employer, whether of consanguinity, affinity or dependance, and the matter in which he is empowered to act; and such Vakalutnamah shall be exhibited and read by the vakeel before he shall be permitted to do any act in the suit.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Third.—The parties being present in person or by vakeel, the District Punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the value or amount of real or personal property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be read to the defendant.

Answer to be required.

Fourth.—The plaint shall be read by the plantiff, or his vakeel, to the defendant or his vakeel, who shall be required by the Punchayet to give in the answer either immediately if he shall be prepared to deliver it or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Answer to contain every thing regarding the case and no further pleadings to be allowed.

Fifth.—The defendant shall state in his answer all that he has to say regarding the case, and no further pleadings shall be admitted.

Exhibits and lists of witnesses when to be received.

And day for the trial fixed.

Sixth.—The Punchayet after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses respectively, and shall fix a day for the trial with reference to the convenience of the parties and witnesses respectively.

List of witnesses and day of trial to be communicated to the District Moonsif.

How he is to proceed.

Seventh.—The Punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial to the District Moonsif, who shall require the witnesses to be in attendance on that day.

Depositions of witnesses when and how to be taken.

To be committed to writing.

Eighth.—The parties and witnesses being in attendance on the day prescribed, the Punchayet shall proceed to take the depositions of the witnesses in the manner usual in the castes to which they may respectively belong, and shall cause the same to be committed to writing on paper or cadjan leaves, and attested by the signature of the deponent.

Questions suggesting particular answers not to be put.

Ninth.—The District Punchayet shall not put to any witness any question suggesting a particular answer.

Trial to be suspended on the non-appearance of the parties or either of them.

Report to be made to the District Moonsif.

Notice to be affixed what containing.

Tenth.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the Punchayet shall suspend the trial, and report it to the District Moonsif who shall cause to be affixed in some conspicuous place of the village, wherein the defaulting party may reside, a notice specifying that the suit will be tried on a given day, which shall not be less than five days from the date of the notice.

Suit to be dismissed on the non-appearance of the plaintiff according to the notice.

What expenses he is to pay.

Sum awarded how to be recovered.

Eleventh.—If the plaintiff shall not appear at the time fixed in the notice the Punchayet shall dismiss his suit and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the Punchayet; and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in section XLVIII, Regulation III of 181 , unless he shall immediately pay the amount.

Suit to be tried *ex parte* on the non-appearance of the defendant.

Twelfth.—If the defendant shall not attend at the time fixed in the notice the Punchayet shall proceed to try the cause *ex parte*.

In what cases reports are to be made to the District Moonsif.

How he is to proceed thereon.

V. In cases where a witness shall neglect to attend or attending shall refuse to give his testimony or shall be otherwise guilty of disrespect to the District Punchayet, as also where the evidence of a person is required who resides beyond the jurisdiction of the District Moonsif, as also in the cases of persons whose testimony may be required but whose rank or caste may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the District Punchayet, the Punchayet shall report the circumstances to the District Moonsif who is hereby authorized & directed on receiving such reports to take the same measures for procuring the attendance or testimony of the witnesses or for punishing the contempts as he would have taken under sections XXIX, XXX, XXXI, XXXII and XLII Regulation III of 181 , if the circumstances represented had occurred before himself.

When the decree is to be written.

VI. When both parties have been heard and the whole of the evidence gone through, the District Punchayet shall order the parties and witnesses to withdraw, and shall write their decree according to justice and right.

What the decree is to contain.

Penalty to be adjudged for litigious and vexatious claims.

VII. The decree of the Punchayet shall contain the names of the parties, and of the witnesses, and the titles of the exhibits read. It shall also contain an abstract statement of the material facts alleged in the pleadings of both parties, and an elucidation of the principal grounds, and reasons on which the decision may be passed. It shall state specifically the value or amount of the real or personal property adjudged. If any claim shall appear to the Punchayet to be evidently litigious & vexatious they shall adjudge suitable costs and damages against the plaintiff payable to the defendant & insist the same in the mode above directed in their decree.

VIII. Two copies of the decree shall be prepared by the District Punchayet on cadjan leaves or the material which may be in common use for writing upon in the district; and such copies shall be attested by their signatures and put under a sealed cover and delivered to the District Moonsif, who shall require the parties together with the Punchayet to assemble at a convenient day not being later than three days from his receipt of the decree, and having assembled them shall open the seal in their presence, and shall cause the Punchayet to endorse on each copy of the decree, the date of the delivery thereof, attesting the same with their signatures and shall further cause the Punchayet to deliver a copy to each party; but no communication shall be made to the District Moonsif or to either party of the nature of the decree previously to its delivery.

Two copies of the decree to be prepared in what manner.

Forms to be observed.

Date of delivery to be endorsed and attested.

Copy to be delivered to each party.

Previous to delivery no communication of the nature of the decree to be made.

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the Punchayet shall endorse on the copy intended for such party, such omission or refusal, and noting the date shall attest the same with their signatures, and deposit the copy so endorsed with the District Munsif to be delivered to the party if he or she should afterwards claim it.

Omission to attend or refusal to receive a copy to be endorsed on it.

Copy so endorsed to be deposited with the District Moonsif.

X. The Proceedings of the District Punchayet shall be written by one of the members.

Proceedings of the District Punchayet by whom to be written.

XI. Any person dissatisfied with the decree of a District Punchayet, passed under the foregoing sections of this Regulation, in which the sum of money or matter adjudged or disallowed shall exceed in amount or value the sum of one hundred Arcot rupees, is at liberty to appeal to the Judge of the Zilla under the rules prescribed in section LV, Regulation III of 181 , for appeals from the decisions of District Moonsifs.

Appeals from the decrees of District Punchayets open.

In what cases.

XII. *First.*—In addition to the powers vested in District Moonsifs to refer to Punchayets suits of limited amount in which one of the parties only shall desire such reference, it is hereby further provided that in suits of any amount when the parties may jointly agree that the matter at issue shall be determined by a District Punchayet, and may accordingly prefer a request in writing to the District Moonsif, whether he be the Moonsif of the district in which the parties reside, or of any other district, he shall proceed to form a Punchayet according to the following rules.

District Moonsifs may refer to Punchayets suits of any amount at the request of the parties jointly.

Second.—When the parties may desire it they shall each name two members, and the Moonsif shall name another person, who may be unobjected to by the parties to form the Punchayet.

Each party to name two members, and the Moonsif another.

Third.—If the parties shall not desire to name their own members, the District Moonsif shall name five respectable persons, leaving to the parties to object to any one or more of them under the provisions contained in section III of this Regulation, and supplying the place of those against whom there may be reasonable objections by others who may be unobjectionable.

In what case the District Moonsif is to name the Punchayet.

Members may be challenged.

Fourth.—Upon the Punchayet being agreed to, the District Munsif shall summon them to assemble on a day fixed for the purpose and shall require the parties to be in attendance.

District Moonsif how to proceed on the Punchayet being agreed to.

XIII. The Punchayet being assembled shall commence their proceedings by taking from the parties a bond in the names of the members of the Punchayet severally and jointly binding themselves in a penalty of double the amount of the sum of money or value of the matter at issue to abide by the decision of such Punchayet. After the bond shall be executed by the parties respectively the Punchayet shall proceed to investigate the matter in dispute in conformity with the rules prescribed in section IV of this Regulation so far as those rules may be found applicable.

Bond to be taken from the parties.

After the execution of the bond Punchayet to proceed to investigation.

Under what rules.

XIV. *First.*—No appeal shall be permitted from decisions passed by District Punchayets under the foregoing section, but if District Punchayets shall be guilty of gross partiality or corruption, it shall be at the option of either party to bring the matter by petition under the notice of the Judge of the Zilla who provided the partiality or corruption charged against the Punchayet shall be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree and the parties shall be at liberty to have recourse to another Punchayet or to any competent jurisdiction.

No appeals allowed from decrees passed under the foregoing section.

Party how to proceed in cases of gross partiality or corruption.

And parties may have recourse to another Punchayet.

Second.—Petitions to the Judge of the Zilla, complaining of the corruption of a member or members of a District Punchayet under the preceding clause shall be written upon stampt paper of the prescribed rate according to the amount of the suit, and shall be presented by the parties in person or by an authorized vakeel of the Court, to whom a fee of four annas shall be allowed and no more, and the parties shall not be subjected to any other charge whatever.

Such petitions to be written on stampt paper.

By whom to be presented.

Fee payable to the vakeel presenting them.

District Moonsif not to receive or refer to Punchayets any suits for personal damages of any description without an order from the Judge.

XV. District Moonsifs shall not receive, nor refer to a Punchayet for trial any suit for damages on account of personal injuries, or for personal damages of whatever nature, without an order of reference to him from the Zilla Judge.

Rate of interest to be allowed.

XVI. District Punchayets shall not allow in their decrees a larger rate of interest than District Moonsifs are authorized to allow under section XV, Regulation III of 181 .

District Punchayets by what rules to be guided in cases of inheritance of, or succession to, landed property.

XVII. In all cases of inheritance of or succession to landed property, District Punchayets shall be guided by the rules prescribed in section LXVII, Regulation III of 181 .

By what rules to be guided regarding the admission of obligations, deeds and documents.

XVIII. In respect to the admission of obligations, deeds and documents the District Punchayets shall be guided by the rules prescribed in section XXXVII, Regulation III of 181 .

Decrees of District Punchayets by whom and how to be carried into execution.

Proviso.

XIX. *First.*—Decrees of District Punchayets in cases referred to them either under section II or section XII of this Regulation shall be carried into execution by the District Moonsif under the rules prescribed in sections XLIX, L & LI, Regulation III of 181 , provided first that if the suit be for land of the description specified in clause second, section XI, Regulation III of 181 , the annual produce of such land shall not exceed the sum of twenty Arcot rupees; secondly, that if the suit be for land of the description specified in clause third, section XI, Regulation III of 181 , the annual produce of such land shall not exceed two hundred Arcot rupees; and thirdly, that if the suit be for real property not of the description above mentioned or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred Arcot rupees.

In all other cases decrees of District Punchayets to be carried into execution by the Judge.

Proviso.

Second.—In all other cases the decisions of District Punchayets shall be carried into execution by the Zilla Judge in the mode prescribed by the Regulations, provided that application praying for the execution of the decree be preferred to the Zilla Judge within six months from the date of the delivery or tender of such decree.

Petitions to the Judge praying execution of decrees of District Punchayets to be written on stampt paper.

Fee payable to vakeels presenting them.

XX. Petitions to the Judge of the Zilla praying execution of the decisions of District Punchayets shall be written upon stampt paper of the prescribed rate according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court, to whom a fee of four annas shall be allowed and no more and such application shall not be subjected to any other charge whatever.

District Moonsifs and members of District Punchayets not liable to be called upon to answer for their conduct,

except on charges of corruption.

How the Judge is to proceed on a charge of corruption against such persons being preferred to him.

Fine to be levied on proof of the corruption.

Fine to whom to be paid.

XXI. *First.*—District Moonsifs and members of District Punchayets shall not be liable to be called before the Zilla Judges to answer for their conduct except on charges of corruption; but if a party in a suit which may have been referred by a District Moonsif to a District Punchayet for trial shall charge such District Moonsif or any member or members of such District Punchayet with corruption and shall make oath to the truth of such charge, the Zilla Judge shall immediately on receiving such complaint on oath summon the person or persons so charged with corruption, and proceed to investigate the matter; and if the corruption charged shall be established to the satisfaction of the Judge he shall fine the person or persons so offending in a sum equal to three times the amount of the sum of money or value of the property which such person or persons may be proved to have received, and the Judge shall pay the amount of the fine so levied to the prosecutor.

District Moonsifs to be dismissed from office on proof of corruption.

Second.—A District Moonsif against whom a charge of corruption shall be established under the preceding clause shall also be dismissed from his office under the rules prescribed by section VII, Regulation III of 181 .

Institution fee to be levied on all suits preferred to District Moonsifs for reference to District Punchayets.

XXII. *First.*—District Moonsifs are hereby authorized and directed to levy an institution fee of half an anna in the rupee on the amount or value of all suits preferred to them for reference to District Punchayets under the provisions of section II of this Regulation, such

To be paid by the Plaintiff in the first instance.

fee to be paid in the first instance by the plaintiff whether he be the party requiring the Punchayet or not.

Second.—In suits preferred to District Moonsifs for reference to District Punchayets under the provisions of section XII of this Regulation, District Moonsifs are hereby authorized and directed to levy from the plaintiff an institution fee according to the following rates, vizt.

Rates of institution fees to be levied in certain suits.

(1) On amount or value not exceeding one hundred Arcot rupees, one rupee.

(2) On amount or value above one hundred but not exceeding two hundred Arcot rupees, two rupees.

(3) On amount or value above two hundred, but not exceeding three hundred Arcot rupees, three rupees, and so on progressively whatever the amount or value may be.

Third.—In suits for land of the description specified in clause second, section XI, Regulation III of 181 , the institution fee shall be calculated on ten times the computed annual produce.

Fourth.—In suits for land of the description specified in clause third, section XI, Regulation III of 181 , the institution fee shall be calculated on the estimated annual produce of such land.

The amount of fees so directed to be levied to form part of the costs payable by the party cast.

Fifth.—The amount of the fees directed to be levied under the preceding clauses shall be considered as forming a part of the costs to be paid by the party against whom the decree may be given.

Batta to members of District Punchayets and witnesses.

For what period to be received.

Rate by whom and how to be determined.

XXIII. *First.*—Every member of a District Punchayet and every witness attending to give evidence before a District Punchayet shall be entitled to receive batta at a rate not less than one nor more than four annas per diem from the date of their departure from their villages respectively to the day of their return, the rate of such batta to be determined by the District Moonsif with reference to their respective situations in life.

Batta to witnesses to be paid daily.

By whom.

Second.—The batta to witnesses shall be paid daily under the orders of the District Moonsif by the party on whose behalf they may respectively be summoned.

Batta to the members of the Punchayets to be levied previously to the delivery of the decree.

As also the batta to witnesses.

Receipts to be taken.

Third.—Previously to the delivery of the decree the District Moonsif shall levy from the party cast, and pay to the members of the Panchayet the amount of batta due to them. The District Moonsif shall also levy from the party cast, and pay to the party in whose favour the decree may be given the amount of batta which under the preceding clause he may have paid to the witnesses summoned on his behalf. And for the amount thus paid the District Moonsif shall take the receipts of the members of the Punchayet and the winning party respectively.

The amount of batta and institution fee collected and paid to be specified on the back of the decree by the Moonsif.

Fourth.—The amount of the batta collected and paid to members of the Punchayets and witnesses together with the amount of the fee paid on the institution of the suit shall be specified by the District Moonsif on the back of the decree.

What reports and how drawn up, are to be transmitted to the Judge.

At what periods.

XXIV.—Report of causes tried by and depending before District Punchayet drawn up according to the forms Nos. 1 and 2 of the appendix* of the Regulation shall be transmitted by District Moonsif to the Zilla Judge, at the periods specified in sections XXXVIII and XXXIX, Regulation I of 181 .

Fees levied under section XXII of this Regulation to be transmitted to the Judge.

How to be appropriated.

XXV. The fees to be levied under section XXII of this Regulation shall be transmitted to the Zilla Judge to be appropriated as a compensation to the District Moonsifs under the restrictions specified in section LXIV, Regulation III of 181 .

REGULATION V.

A Regulation for the appointment of the Hindoo Law officers of the Provincial Courts to be Sudder Ameens, or Head Native Commissioners for the trial of causes referred to them by the Judges of the Zillas in which those courts are stationed, and for modifying and extending the power of Sudder Ameens in the trial and decision of Civil suits. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. The rules which have been enacted regarding the office of Sudder Ameens or Head Native Commissioners for the trial and decision of causes of a certain amount or value appearing in some instances to require revision, and it being expedient with the view of promoting the speedy trial and decision of Civil suits to appoint the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens in the Zillas wherein those courts are stationed, and to extend the jurisdiction of Sudder Ameens, and it being deemed conducive to the public convenience to transfer to the Provincial Courts the control now exercised by the Court of Sudder Devany Adalet in the appointment and removal of Sudder Ameens, the Governor in Council has enacted the following rules to be in force throughout the territories subject to the Presidency of Fort St. George.

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* Not printed.

Sections IX, X, XI, XII, clauses 1st and 2nd section, XIII, Regulation VII of 1809 and Regulation X of 1809 rescinded.

II. Sections IX, X, XI, XII and clauses first and second, section XIII, Regulation VII of 1809 and Regulation X of 1809 are hereby rescinded.

Number of Sudder Ameens to be unlimited.

Provincial Courts to use their discretion in diminishing or augmening their numbers.

III. The number of Sudder Ameens to be hereafter employed in each Zilla shall be unlimited. The Provincial Courts may at all times exercise their discretion in diminishing or augmenting the number of those officers on a consideration of the state of civil business and other local circumstances.

Hindoo Law Officers of Provincial Courts and Hindoo and Mahomedan Law Officers of Zillah Courts to be Sudder Ameens *ex-officio*.

IV. The Hindoo Law Officers of the Provincial Courts and the Hindoo and Mahomedan Law Officers of the Zilla Courts shall by virtue of their offices be deemed Sudder Ameens of the Zillas in which they may be employed.

Sudder Ameens by whom to be nominated and approved.

V. Sudder Ameens shall be nominated by the Judges of the Zilla Courts and approved by the Provincial Court, and shall not be authorized to enter upon the duties of the office without the previous sanction of that Court.

Selection of Sudder Ameens not restricted to any particular class or religious persuasion.

What information is to be communicated to the Provincial Courts.

VI. In the future nomination of individuals for the office of Sudder Ameen, the Zilla Judges are not restricted to persons of any particular class or religious persuasion, but are required carefully to select such individuals, as may be best qualified for the trust and to communicate to the Provincial Court full information regarding the native country, age, education, capacity, character and past employments of the individuals whom they may recommend.

Sunuds granted to Sudder Ameens to be recalled and cancelled.

New Sunuds to be granted.

How drawn up.

VII. *First.*—The Commissions or Sunuds of appointment, which may have been granted to persons holding the office of Sudder Ameen shall be recalled and cancelled, and in lieu thereof new Sunuds shall be granted to them under the seal and signature of the Judge drawn up according to the form prescribed in the Appendix* No. 1.

Similar Sunuds to be granted to all persons hereafter appointed Sudder Ameens.

Such Sunuds not necessary to the *ex officio* Sudder Ameens.

Second.—Similar Sunuds shall also be granted to all persons, who may be hereafter appointed to the office of Sudder Ameens; it will not however be necessary to grant such Sunuds to the Law officers of the Zilla and Provincial Courts, who by section IV of this Regulation are by virtue of their offices, vested with the powers of Sudder Ameen.

Oath to be taken by Sudder Ameens.

Oath may be dispensed with.

Solemn declaration to be subscribed.

VIII. Every person, who may in future be appointed to the office of Sudder Ameen shall previously to entering upon the execution of the duties of his situation, take and subscribe an oath according to the form prescribed in the appendix* No. 2 before the Judge of the Zilla in which he may be appointed to officiate; but the Judge is empowered in all cases, in which he may deem it expedient, to exempt such Sudder Ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

Cutcherries of the Sudder Ameens where to be held.

IX. The Sudder Ameens are to hold their cutcherries at the station where the Zilla Court is held, in such convenient places as the Judges may direct.

What original suits may be referred to Sudder Ameens.

X. The Judges of Zillas are authorized to refer to the Sudder Ameens any original suits for land exempt from the payment of rent in money or in kind either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed thirty Arcot rupees, and for land subject to the payment of rent in money or in kind either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed three hundred Arcot rupees, or for other real property not of the description above specified, or for sums of money or other personal property the value or amount of which shall not exceed three hundred Arcot rupees.

What suits to be referred to the Hindoo & what to the Mahomedan Law Officers.

XI. In referring suits for trial to the Sudder Ameens, the Judge shall generally refer such cases as are likely to involve questions of Hindoo Law to the Hindoo Law Officer, and of Mahomedan Law to the Mahomedan Law Officer.

Sudder Ameens to investigate suits themselves & not to allow any other person to interfere therein.

XII. The Sudder Ameens are themselves to investigate the suits referred to them in a public cutcherry or court room and are not to allow their officers, servants or dependants, or any other person to interfere therein.

Causes before Sudder Ameens how to be pleaded.

Judges to assign vakeels.

XIII. All causes referred to the Sudder Ameens shall be pleaded either by the parties in person, or by an authorized vakeel of the Zilla Court. The Judges of the several Zillas will assign to the Court of each Sudder Ameen, such a number of the authorized vakeels as

* Not printed.

What Regulations are applicable to vakeels employed in the Sudder Ameens' courts.

may appear necessary. The whole of the Regulations in f[illegible]e regarding the authorized vakeels of the Zilla Courts shall be applicable to the authorized vakeels employed in the courts of the Sudder Ameens.

What other suits may be referred to Sudder Ameens.

XIV. *First.*—In addition to the original suits specified in section X of this Regulation, the Zilla Judges are empowered to refer to the Sudder Ameens any depending appeals from the decisions of Moonsifs appointed under the provisions of Regulation XVI of 1802, and of Regulation VII of 1809, and any appeals which may be made from the decisions of the District Moonsifs appointed under the provisions of Regulation III of 181 , as also any appeals from the decisions of District Punchayets assembled under the provisions of section II, Regulation IV of 181 , which the Judges themselves may be unable to determine with sufficient despatch.

Separate registers of appeals to be kept.

What distinction is to be made in the monthly and half-yearly reports.

Second.—The Sudder Ameens, to whom such appeals may be referred, shall keep a separate register book of them, according to the form prescribed in No. 3 of the appendix * to the Regulation, and in their monthly and half-yearly reports, they shall carefully distinguish suits referred to them in appeal from suits referred to them for trial and determination in the first instance.

By what rules Sudder Ameens are to be guided in trying and determining original suits and appeals.

What other provisions are applicable to the office of Sudder Ameens.

XV. In trying and determining original suits and appeals the Sudder Ameens shall be guided by the rules prescribed for the conduct of the District Moonsifs in sections XIII, XV, XVIII, XXVI, clause third, section XXXII, sections XXXIII, XXXIV, XXXV, XXXVI, XXXVII, XXXVIII, XXXIX, XL, XLI, XLIII, LV, LVII, LXI, LXII, LXIII and LXVII, Regulation III of 181 . The provisions of sections VII and VIII, Regulation III of 181 , are also hereby declared to be applicable to the office of Sudder Ameens as well as to that of District Moonsif appointed under that Regulation.

What rules to be observed by Sudder Ameens in cases not expressly provided for.

Proviso.

Sudder Ameens' decrees to be executed by the Zilla Courts.

How process is to be issued.

Sudder Ameens not to realize the fines imposed by themselves.

Report to be made to the Judge.

How he is to proceed.

XVI. In all cases not expressly provided for in the foregoing rules, the Sudder Ameens shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the Zilla Courts in the trial and decision of original suits and appeals, provided, however, that the decisions passed by Sudder Ameens shall be carried into execution by the Zilla Court, and that every notice, summons, attachment, or other process relative to any cause depending before a Sudder Ameen shall be issued under the seal of the Zilla Court, and under the official signature of the Judge or Register, and shall be executed through the regular officers of the Zilla Courts, provided farther that nothing in this Regulation shall be construed to empower the Sudder Ameens to realize by their own authority any fines which they may impose under the general Regulations. In such instances they shall report the circumstances of each case to the Zilla Judge who will either remit or modify or confirm the fine imposed by the Sudder Ameens and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

What decision of Sudder Ameens to be final.

From what decisions appeals are open.

XVII. The decisions of Sudder Ameens on the appeals referred to them under section XIV of this Regulation shall be final; but from their decisions in original suits referred under the provisions of section X of this Regulation, there shall be an appeal to the Zilla Judge under the rules prescribed for appeals from the decisions of the registers.

Sudder Ameens in what cases to be entitled to the institution fee.

XVIII. When original suits or appeals referred to Sudder Ameen may be decided by them on an investigation of the merits of case or may be adjusted by Razeenamahs of parties, the Sudder Ameens shall be entitled to receive the amount of the fees paid on the institution of such original suits and appeals.

REGULATION VI.

A Regulation for authorizing Collectors to refer disputes regarding the boundaries of villages to be tried and determined by Punchayets, and for prescribing the rules under which the trial of such disputes shall be conducted, and the decisions of the Punchayets carried into execution passed by the Governor in Council of Fort St. George on the .

Preamble.

I. It is prescribed in section II, Regulation XXXII A.D. 1802 that "Where proprietors or "farmers of land or poligars' under farmers or ryots or other persons "may have claims to disputed lands or crops in the possession of another, "such claimants shall not possess or attempt to possess themselves of "the lands or crops by force but shall prosecute their claims by suits in the Adalet of the "Zilla." This mode of determining the validity of claims so founded being considered to be less speedy and less satisfactory than is desirable in such cases, it is deemed expedient that provison should be made for the investigation and determination of such claims by Punchayets

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* Not printed.

under the direction of Collectors, for which purpose the Governor in Council has passed the following rules, to be in force in the territories subject to the Presidency of Fort St. George.

Part of sectn. II, Regn. XXXII of 1802 rescinded.

All the other parts to remain in force.

II. That part of section II, Regulation XXXII A.D. 1802, which prescribes that persons having claims to lands the boundaries of which may be disputed shall prosecute their claims by suits in the Adalet of the Zilla is hereby rescinded, but all the other parts of that Regulation which prohibit the resort to force in support of claims to lands or crops and define the penalties attaching to any of the acts done in the forcible assertion or defence of such claims are declared to remain in full force and effect.

In what cases persons are to refer their claims to the Collector.

III. *First.*—Persons of one village having claims to lands or crops, the validity of which claims may depend on the determination of an uncertain and disputed boundary or land marks, and which lands or crops may be in the possession of persons of another village, shall prefer such claims to the Collector of the Zilla in which the lands may be situated.

What the plaint is to contain.

Second.—The plaint shall contain as accurate a description as can be obtained of the land claimed, its position, boundaries, extent and the value of its annual produce, also whether it be subjected to the payment of rent or revenue, or whether it be exempt from any charge on these accounts, also the time when the cause of action arose, the name and residence of the person or persons complained against and all material circumstances which may elucidate the transaction and may tend to bring the matter in dispute to a distinct issue.

Summons to the defendant to be issued.

IV. *First.*—The Collectors on receiving a complaint preferred under the preceding section shall issue a summons to the defendant.

Contents of the summons.

How to be attested.

Second.—The summons shall contain a short abstract of the complaint and shall require the defendant to appear at the cutcherry of the Collector in person or by vakeel on a day specified to make answer to the complaint and shall be attested by the seal of the Collector and his official signature or that of his Assistant.

Summons how to be served.

Batta to the peon.

What endorsement to be made on the summons.

Third.—The summons shall be served by a single peon of the Collector's establishment who shall be allowed batta daily at the usual rate in the Zilla for the number of days necessary to serve and return the summons, which as well as the amount of the batta shall be endorsed on the back of such summons.

Summoning officer how to proceed.

Refusal to acknowledge the summons how to be attested.

Fourth.—The summoning officer shall require the defendant to affix his signature to the summons in acknowledgment of its having been duly served; and in the event of the defendant refusing to affix his signature thereto, the summoning officer shall call upon some of the village officers or neighbours of the defendant to witness such refusal and to attest the endorsement of it which he shall make on the summons and shall return the same to the Collector on or before the day fixed for such return.

How the Collector is to proceed if a defendant is not to be found or refuse to acknowledge the summons.

Notice to be issued containing what.

Where the notice is to be affixed.

Return how to be made.

Fifth.—If a defendant against whom a summons may issue shall abscond or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place so that the process cannot be served upon him, and the peon shall return that on such account he has not been able to serve or execute the process, or if he shall refuse to acknowledge the service of the summons, on return being made in the mode prescribed in the preceding clause, the Collector shall cause a writing in the language of the district to be stuck up in some conspicuous part of his cutcherry containing a copy of the summons and a notice that, if the party shall not appear on a day to be specified which shall not be less than fifteen days from the time that the notice may be fixed up, the Collector will proceed without further notice to refer the cause to be tried and determined by a Punchayet of the district in which the disputed lands may be situated without the appearance or answer of the defendant. The Collector shall likewise order copy of the summons and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually dwelt or in some conspicuous place in the village or other place in which he may have generally resided. The summoning officer shall return the order with an endorsement stating at what times and places the summons may have been fixed up and such return shall form a part of the record of the Collector's proceedings.

Collector how to proceed if the defendant appear.

Defendant liable to fine for contempt.

Collector how to proceed if such fine be not paid or security given.

Sixth.—If the defendant shall appear by the time limited in the notice, the Collector shall proceed to investigate the cause of his absence or the circumstance of his refusal to sign the summons, and if it shall appear to the satisfaction of the Collector that the conduct of the defendant has been contemptuous, he is empowered to punish such contempt by imposing a fine on the defendant according to the circumstances of the case not exceeding one hundred rupees; and if such fine be not immediately paid or security given for the payment within a reasonable time, the Collector shall issue an order to the Jailor of the Zilla to receive and

detain such contemptuous defendant in close custody for a period proportioned to the amount of the fine not exceeding in any instance six months at the end of which period he shall be discharged, or whenever he may obtain an order from the Collector for that purpose on paying the amount of the fine.

Plaint to be read to the defendant in presence of the plaintiff.

Seventh.—On the appearance of the defendant if he shall appear according to the first summons or immediately after the preliminary proceedings directed in the preceding clause in cases where such proceedings may have become necessary, the Collector shall cause the plaint to be read over to the defendant in presence of the plaintiff and shall demand whether he admit or deny the truth of the complaint. If the defendant shall acquiesce in the truth of the complaint, the Collector shall record such acquiescence at the foot of the plaint and require the defendant to attest the same with his signature in the presence of witnesses who shall also attest the same, and the document shall be countersigned by the Collector who shall return the document to the complainant together with an order to the Village Moonsif to transfer the lands described in the plaint to the plaintiff, or, if the plaint include crops grown in such lands, to cause the crops or the value of them to be restored to the plaintiff by the defendant together with the expenses incurred by the plaintiff which shall be stated in the order and no other proceedings shall be necessary in the cause.

Collector how to proceed on acquiescence in the truth of the plaint.

Collector how to proceed on the defendant denying the truth of the plaint.

Eighth.—If the defendant shall deny the truth of the plaint, the Collector shall enquire of the parties whether they mutually consent to have the cause investigated and decided by a Village Punchayet of any one of the neighbouring villages; and upon their agreeing in writing to have the matter investigated by the Punchayet of any particular village, the Collector shall immediately forward the petition or plaint with an order to the Moonsif of that village to assemble a Punchayet without delay or, if either of the parties should be committed to prison for a contempt, as soon as practicable after the liberation of such party.

Under what circumstances a Punchayet is to be assembled.

Matter may be referred to a District Punchayet at the request of either party.

Ninth.—If either of the parties shall object to the reference of the cause to be tried and determined by a Village Punchayet and either of them shall desire in writing that it may be referred to be tried and decided by a District Punchayet, the Collector whether the other party agree to such reference or not shall forward the plaint to the Moonsif of the District in which the disputed property may be situated with an order to assemble a Punchayet without delay or, if either of the parties should be committed to prison for a contempt, as soon as practicable after such party shall be liberated.

Punchayets how to be assembled, and their proceedings, how conducted.

V. *First.*—The Punchayets shall be assembled according to the rule prescribed for assembling Village and District Punchayets, and their proceedings in cases referred under this regulation shall be conducted according to the general rules enacted for their guidance with the following qualification.

Decrees in suits referred by Collectors under this Regulation not to be executed until confirmed by the Collector.

Decrees in what cases to be set aside.

Second.—Decrees of the Village and District Punchayets in suits regarding disputed boundaries which may be referred to them under the order of the Collector issued in conformity to this Regulation shall not be carried into execution until confirmed by the Collector, nor shall they be set aside for any other cause than gross partiality or corruption on the part of the members of the Punchayet.

Two copies of the decree duly attested to be forwarded to the Collector through the Moonsif.

Third.—When the decree has been framed and two copies of it prepared which may be done either on paper or on cadjan leaves according to the common usage of the country, they shall be attested by the members of the Punchayet, and having been read in the presence of the parties they shall be sealed up in a packet and delivered to the Moonsif who shall forward it to the Collector sealed as he received it.

What forms to be observed by the Collector on receiving the packet.

What to be considered sufficient warrant for executing the decree.

VI. The Collector shall detain the packet in the state in which he received it for fifteen days and if in that time no charge of corruption or partiality shall be preferred by either party against any members of the Punchayet, he shall open the packet and afterwards affix his signature to each of the two copies and return them to the Moonsif from whom he received them and such countersignature of the Collector shall be considered a sufficient warrant for carrying the decree into effect.

How the decree is to be executed.

Copy to be delivered to each of the parties.

Proviso.

VII. The Moonsif on receiving the copies of the decree confirmed by the Collector shall summon the Punchayet and the parties, and cause the decree to be carried into execution by causing the boundaries of the land to be marked out in presence of the Punchayet and the parties according to the decree, and delivering a copy of the decree to each of the parties, provided that the annual produce of the land do not exceed the value specified for each description in clause first, section XIX, Regulation IV of 181 .

Collector how to proceed on a charge of corruption being preferred to him.

VIII. *First.*—If either of the parties shall within the prescribed period of fifteen days charge any of the members of the Punchayet with gross partiality or corruption and shall make oath to the truth of such charge, the Collector shall receive the charge and call upon the accused party or

parties to appear within a reasonable period to answer to the charge; and if after due investigation it shall be proved to the Collector's satisfaction by the oaths of two credible witnesses at the least that the Punchayet have been guilty of gross partiality or corruption, he shall annul the decision and shall levy from the offending members of the Punchayet, a fine equal to three times the value of the thing or sum of money which they may be proved to have so corruptly received. He shall further adjudge the party by whom or for whom the corruption may have been practised, to pay all the costs which may have been incurred in the suit, and, if either of the parties desire it, shall refer the cause to the Moonsif of a different district in order that it may be tried and determined by a Punchayet of such district assembled in the mode prescribed.

Decision to be annulled on proof of corruption.

Fine to be levied.

Costs payable by the party for whom or by whom the corruption may have been practised.

Cause may be referred to a Punchayet of a different District.

Second.—If the corruption or gross partiality charged against any of the members of the Punchayet shall not be proved to the satisfaction of the Collector, he shall countersign the copies of the decree and return them to the Moonsif to be carried into execution and shall further, if it appear to him proper so to do, levy a fine from the party making such groundless charge not exceeding one hundred rupees.

Collector how to proceed on corruption or partiality not being proved.

May levy a fine.

Third.—If the annual produce of the lands for which a decree may be passed by a District or Village Punchayet shall exceed the value specified for each description in clause first, section XIX Regulation IV of 181 and the decree shall be confirmed by the Collector, it shall be carried into execution in the mode prescribed, by the Collector or by his Assistant deputed to the spot for that purpose.

In what cases the decree of a District or Village Punchayet is to be carried into execution by the Collector or his Assistant.

IX. *First.*—Suits tried under this Regulation by a Village Punchayet shall be exempted from fees and all other charges of every description except the necessary expense of summoning the defendant which shall be paid by the plaintiff in the first instance and the further necessary expense for the material, whether paper or cadjan leaves on which the proceedings and decrees may be written, the cost of which as well as the expense of summoning the defendant shall be ultimately charged to the party cast and entered in the decree.

Suits tried under this Regulation by Village Punchayets exempt from fees and charges of every description.

Exceptions.

Second.—In suits which may be referred under this Regulation to be tried and decided by a District Punchayet, the Collector shall require the plaintiff or party desiring the reference to deposit the institution fee previously to granting the order of reference. The institution fee on such suits shall be calculated at the rate prescribed in clause first, section XXII, Regulation IV of 181 .

Institution fee to be paid in suits referred under this Regulation to District Punchayets.

Rate of the institution fee how to be calculated.

Third.—In suits which may be referred to be tried and determined by a District Punchayet, the parties shall be further liable to the charges specified in section XXIII, Regulation IV of 181 .

Parties liable to what other charges in suits referred to District Punchayets.

X. The Village and District Moonsifs shall include in their monthly reports all decisions of Punchayets in suits referred to them under this Regulation.

What decisions to be included in the monthly reports of Village and District Moonsifs.

REGULATION VII.

A Regulation for transferring the superintendance of the Police from the Magistrates to the Collectors of Zillas and for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George. Passed by the Governor in Council of Fort St. George on the .

I. It being expedient that the superintendence of the Police should be transferred from the Magistrates to the Collectors of the Zillas, and that a system of Police founded chiefly upon the ancient usages of the country, should be established throughout the territories subject to the Government of Fort St. George, and that the powers and authorities of the several classes of persons to be entrusted with the performance of Police duties should be defined, the Right Honorable the Governor in Council has been pleased to enact the following rules.

Preamble.

II. *First.*—From and after the next ensuing the superintendence of the duties of Police, and the control and direction of the Police establishments, shall cease to be exercised by the Zilla Magistrates whose powers in this respect shall be transferred to, and from the foregoing date be vested in, the Collectors of Zillas, who shall be denominated Superintendents of Police.

The superintendence of the Police transferred to the Collectors to be denominated Superintendents of Police.

Second.—Superintendents of Police, previously to entering upon the duties of their office, shall take and subscribe the following oath before the Governor in Council, or any person whom he may commission to administer it.

Oath to be taken by Superintendents of Police.

I, A.B. appointed Superintendent of Police in the Zilla of solemnly swear that I will to the best of my ability preserve the peace of the Zilla, over which my authority extends; that I will act with impartiality and integrity; and will not exact or receive, nor knowingly allow any other person to exact or receive directly or indirectly any fee, reward, or emolument whatsoever, in the execution of or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council do or may expressly authorize; and that I will perform the duties of my office to the best of my knowledge, abilities, and judgment conformably to the regulations that have been, or may be passed by the Governor in Council.

Form of the oath.

"So help me God."

III. The present establishments of Police Darogahs and Thanadars shall, from the date above mentioned, be abolished and the duties heretofore discharged by those persons shall be performed by persons of the descriptions hereinafter mentioned.

Present establishments of Police Darogahs & Thanadars abolished.

The persons by whom public duties are hereafter to be discharged.

(1) Heads of villages, as described in section III, Regulation I of 181 , aided by Curnums or Village Registrars and Talliars and other Village watchers.

(2) Tahsildars of districts with the assistance of Peshkars, Gomastas and establishments of peons.

(3) Zemindars.

(4) Ameens of Police.

(5) Cutwals and their Peons.

(6) Collectors of Zillas, and their Assistants.

Heads of villages to be Heads of Police in their villages.

IV. Heads of villages shall be *ex officio* Heads of the Police of their respective villages.

V. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes, or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks, and water channels, and except in trivial cases wherein they are authorized by section IX of this Regulation to inflict punishment, they shall forward the persons whom they may apprehend, together with the accusers and witnesses, to the Tahsildar of the district.

Heads of villages to apprehend offenders and forward them to the Tahsildar of the District.

Exception.

Second.—Heads of villages shall not receive from any person whom they may apprehend any confession either verbally or in writing, except in the trivial cases referred to in the preceding clause, nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages not to receive confessions.

Nor to detain any person in their custody longer than twenty-four hours.

VI. In cases of emergency the Head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders, and all the inhabitants of the village are hereby required to co-operate with him on such occasions, provided that no person who is prohibited by the rules of his caste or profession from performing such service shall be compelled so to do.

Heads of villages authorized to call upon the inhabitants generally for assistance.

VII. If Heads of villages shall be unable, with the persons at their command, and the people of their own villages, to apprehend the parties accused, they shall have authority to call on the Heads of neighbouring villages for assistance, and all Heads of villages are hereby required to afford the most prompt assistance, whenever they may be called upon by their neighbours so to do.

Heads of villages authorized to call on the Heads of neighbouring villages for assistance.

Heads of villages to report to the Tahsildar the arrival of suspicious persons in their respective villages.

VIII. Heads of villages shall report to the Tahsildar of the district the arrival in their villages of strangers of suspicious appearance and all information which they may be able to collect concerning such persons.

IX. *First.*—In cases of a trivial nature, such as abusive language, and inconsiderable assaults, or affrays, Heads of villages shall have authority, on a verbal examination, either to dismiss the parties, or, if the offence charged shall be proved to have been committed by the persons accused of it and shall appear deserving of punishment, to confine the offending parties in the village choultry for a time not exceeding twelve hours, or, if the offending parties shall be of any of the lower castes of the people on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

Second.—Heads of villages shall report to the Tahsildar of the district, all cases in which they shall have exercised the power of punishment granted to them by the first clause of this section; but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages to report to the Tahsildar all cases wherein they have inflicted punishment.

Heads of villages to apprehend and send to the Tahsildar all persons found selling property suspected to be stolen.

X. *First.*—Heads of villages shall apprehend and send to the Tahsildar of the district all persons who may be found selling property which, there may be reasonable ground to suspect, has been stolen, and of which such persons may not be able to give a satisfactory account.

To send also to the Tahsildar the persons acquainted with the circumstances of the case.

Second.—Heads of villages shall also send to the Tahsildar along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

Heads of villages to take charge of all strays and to report each case to the Tahsildar.

XI. Heads of villages shall take charge of all stray cattle, horses, sheep, and other strays of which the owners may not be known, and shall report each case to the Tahsildar.

Heads of villages how to proceed on the discovery of dead bodies.

XII. *First.*—The Head of the village, on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the Curnum and two or three respectable inhabitants in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body, and its appearance when discovered, or regarding the murder of the deceased if the body should have been deprived of the life by murder.

Heads of villages to send notice of the discovery of dead bodies to the Tahsildar.

Second.—The Head of the village on receiving information of the discovery, shall also without delay, send notice of it to the Tahsildar, and if the Tahsildar shall arrive at the spot in time to enquire into the circumstances under which the body may have been discovered, the enquiry shall be conducted under his superintendence.

Heads of villages how to proceed if the Tahsildar should not appear to conduct the enquiry.

Third.—If the Tahsildar should not appear to conduct the enquiry, the Head of the village shall cause the Curnum to take down in writing the evidence of the persons who may be examined, and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceeding. The Head of the village shall attest such report with his signature; and having procured it to be attested by two or more of the inhabitants who may be present at the investigation and by the Curnum, he shall forward it to the Tahsildar.

Heads of villages to apprehend and send to the Tahsildar any person suspected of committing the murder.

Fourth.—If on the proceedings of the Head of the village there shall in any case appear ground for suspecting any person or persons who may be within his jurisdiction of having committed the murder, the Head of the village shall immediately apprehend such person or persons and send him, her, or them to the Tahsildar.

Registers of persons confined by Heads of villages to be kept by Curnums and transmitted monthly to the Tahsildar.

XIII. Curnums shall keep registers according to the annexed form of persons confined by the Heads of villages under section IX of this Regulation; and these registers shall be transmitted monthly by the Heads of villages to the Tahsildars of their respective Districts.

Register of persons punished in the village of   *in the month of*

Form of register.

No.	Names.	Offence.	Punishment.	Dates.
1	Mootoo	Drunken riot ...	Confinement in the stocks for six hours.	1st.
2	Veeren	Abusive language...	Twelve hours confinement.	2nd.
3	Syed Hussain ...	Assaulting a woman.	Do.	3rd.

Village watchers to perform Police duties.

Not to make compensation for losses by theft.

XIV. Village watchers by whatever local name distinguished shall perform their customary Police duties under the immediate authority of the Heads of their respective villages, but they shall not be called upon to make compensation for losses by theft.

Village watchers to be appointed to villages where none exist.

From what classes of persons to be selected.

XV. In villages where the office of Village watcher does not exist and where it appears that the duty cannot be discharged by any of the other village servants, Village watchers shall be appointed by the Superintendent of Police, and shall as far as possible be selected from the Dhers, Beders and other castes best qualified for Police duties.

The office of Village watcher to be hereditary.

XVI. *First.*—The office of Village watcher, wherever it may be found to exist and wherever it may hereafter be created under the provisions of the preceding section, shall be hereditary.

Death of Village watchers to be reported to the Tahsildar.

And the name of the successor to the office.

Second.—Upon the death of any Village watcher, the Head of the village shall report the same to the Tahsildar of his District for the information of the Superintendent of Police, and also the name of the person who may have succeeded by inheritance to the office.

Allowances made to Village watchers appointed under section XV to be hereditary.

XVII. Village watchers appointed under section XV shall be entitled to receive such allowances in land, grain, or money as Government may allot for their maintenance, and the allowances thus made shall be hereditary in their families.

Village watchers to be deprived of office only by sentence of the Magistrate or a superior authority.

XVIII. *First.*—No Village watcher shall be deprived of his office but by the sentence of the Magistrate or of a superior judicial authority; and in such case the heir of the person so deprived of his office shall succeed to it.

The Superintendent of Police to appoint to the office of Village watcher on failure of heirs.

Second.—On failure of heirs on the death or dismissal of a Village watcher the Superintendent of Police shall appoint a person to the office.

Village watchers liable to be suspended for neglect of duty.

XIX. Village watchers shall be liable for neglect of duty to be suspended from the office by the Superintendent of Police for a period not exceeding six months.

Village watchers to apprehend and carry before the Head of the village persons found or accused of committing offences.

XX. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace, and carry them before the Head of the village. They shall likewise apprehend and carry before the Head of the village all persons charged with committing offences or breaches of peace, and shall require the prosecutor to accompany them.

Village watchers to report suspicious persons to the Curnums and Head of the village.

XXI. Village watchers shall report to the Curnum, and the Head of the village, all suspicious persons either residing in or passing through the village.

Village watchers to give information of all that concerns the peace and good order of the village.

XXII. Village watchers shall likewise report to the Curnum and Head of the village all information which they may obtain connected with the peace and good order of the village, and they shall in all things obey such orders as they may receive from the Heads of their respective villages.

Cutwals and their peons to be subject to the Tahsildar and Head of the village.

XXIII. Cutwals and their peons, wherever it may be necessary to employ them, shall be subject to the authority of the Tahsildar and Heads of villages, and shall be directed by their orders in furnishing supplies for travellers and in the maintenance of the peace.

Tahsildars of Districts to be *ex officio* Heads of the Police of their respective districts.

XXIV. *First.*—Tahsildars of districts shall *exofficio* be Heads of the Police of their respective districts. They shall be charged with the maintenance of the peace; and they shall report to the Superintendent of Police all acts which they may do, and all material information which they may receive, connected with their Police duties.

Peshkars, Gomastas, and peons to be officers of Police as well as Revenue servants.

Second.—The Peshkars, Gomastas and Peons, who are or may be employed under Tahsildars of districts, shall perform the duties of Police as well as Revenue duties and they shall be considered Officers of Police as well as Revenue servants.

Tahsildars to assist the Village Police.

XXV. *First.*—Tahsildars shall render all possible assistance to the Village Police in the apprehension of offenders.

Tahsildars to send peons to markets &ca.

Second.—They shall also send peons to markets, fairs and other public meetings in their district in order to preserve the peace.

Tahsildar how to proceed on a complaint being made to him of a heinous offence.

XXVI. *First.*—Upon a complaint being made to a Tahsildar of any murder, robbery, house breaking, theft, setting fire to a house, or other building, counterfeiting the coin, or other heinous offence, he shall make such enquiries as may be necessary to ascertain whether any credit be due to the accusation, and if it shall appear to be worthy of credit he shall immediately make every exertion to apprehend the person or persons who may be accused or to whom suspicion may attach of having committed the offence.

What evidence to be taken in these cases by Tahsildars.

Second.—When the accused or suspected persons shall be brought before the Tahsildar, he shall take down in writing in their presence the depositions of the witnesses who may be present; and if in the course of the enquiry it shall appear that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Tahsildars may receive confessions.

Third.—The Tahsildar shall also receive the confession of the prisoner, in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing and signed, (or if the prisoner should be unable to write, marked) by the prisoner in the presence of two or more respectable persons, not being servants of the Government.

Tahsildars to forward their proceedings &ca. to the Magistrate.

Fourth.—So soon as the Tahsildar shall have finished the investigation, which shall be completed within twenty-four hours if possible, he shall forward his proceedings with the prisoner and witnesses to the Magistrate. If a delay of more than twenty-four hours should occur, a particular explanation of the cause of such delay shall be entered on the proceedings of the Tahsildar.

XXVII. If a prisoner should in his confession made before a Tahsildar criminate another person, the Tahsildar shall secure such person; and provided the accusation be corroborated by any persons who may appear, or be brought by summons before the Tahsildar, he shall forward such accused person to the Magistrate together with the witnesses and his proceedings in the case, as directed in the preceding section.

Tahsildars how to proceed if a prisoner shall in his confession criminate another person.

Tahsildars how to proceed on the arrival of persons forwarded to them by Heads of villages.

XXVIII. Upon the arrival of persons who may have been apprehended and forwarded to the Tahsildar by Heads of villages under the rules contained in this Regulation, the Tahsildar shall proceed as directed in the two foregoing sections.

XXIX. Any officer of Police or other persons, maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the Magistrate according to the nature of the case, and should the offence be of an aggravated nature, the party offending shall be committed for trial before the Court of Circuit.

Officers of Police or others maltreating a prisoner or witness how punishable.

XXX. In cases of bailable offence, or misdemeanour which shall not appear to require the immediate apprehension of the party accused, the Tahsildar shall summon him in writing and take his declaration and, if necessary, the depositions of any witnesses to the truth of the charge. He shall then take security for the appearance of the party accused together with the accuser and witnesses on a stated day before the Superintendent of Police, to whom he shall immediately report the case and transmit the depositions.

Tahsildars how to proceed in certain bailable cases.

Bail not to be required in trivial cases.

Exception.

XXXI. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Second.—If the charge in such cases shall appear groundless or if the parties shall agree in writing the Plaintiff to withdraw and the defendant to permit the withdrawing of the complaint, the writing being attested by two creditable witnesses, the Tahsildar shall dismiss the complaint without making any report thereof to the Superintendent of Police.

Tahsildars to dismiss trivial complaints in certain cases.

XXXII. Where complaints of offences of a trivial nature, such as are specified in section IX of this Regulation, may be preferred to a Tahsildar in the first instance, he shall enquire into the same and, if the offence be proved, he shall have authority to punish the offender by imposing on him a fine not exceeding one rupee, or by confining him in the Choultry for a time not exceeding twenty-four hours or, if he shall be of any of the lower castes of people, by putting him in the stocks for a time not exceeding six hours.

Tahsildars how to proceed on complaints of offences specified in section IX.

XXXIII. Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers or of suspicious people having entered, or taken refuge in each other's districts and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Tahsildars to communicate to each other information on subjects connected with the peace of their respective districts.

XXXIV. *First.*—Tahsildars, and the Officers acting under them, shall have authority to pursue offenders into whatever District or Zilla they may fly, and to require the Officers of Police in such District or Zilla and, if necessary, the inhabitants in general, to assist them in securing the offenders; and such Police Officers and inhabitants shall immediately afford the required assistance. Tahsildars and other Police officers apprehending persons within a different Zilla from that to which they belong, whether on a warrant from a Magistrate or Superintendent of Police or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the Magistrate or Superintendent of Police of the Zilla in which they may be apprehended, and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the Magistrate or Superintendent of Police of another Zilla, and the Magistrate or Superintendent of Police of the Zilla in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant, which shall be a sufficient authority for the Police Officers to convey the offenders from the Zilla in which they may be apprehended to the presence of the Magistrate in whose jurisdiction the offence may have been committed. But if the persons apprehended and brought before such Magistrate or Superintendent of Police shall appear not to be those intended by the warrant, he shall forthwith cause them to be released recording his reasons for so doing, and submitting a report thereof with the reports ordered in section LXII to be transmitted half-yearly to the Court of Circuit.

Police officers to pursue offenders into any District or Zilla.

How to proceed on the apprehension of fugitive offenders.

Magistrates and Superintendents of Police how to proceed, if such persons be apprehended under a warrant.

Second.—If the parties shall be apprehended without a warrant, on information given to the Police Officers or on hue and cry, the Magistrate or Superintendent of Police within whose jurisdiction they may be apprehended shall investigate the case, and if he shall be satisfied that there is sufficient cause for bringing the parties before the Magistrate in whose jurisdiction it may be alleged that they have committed offences, he shall forward them with a letter to such Magistrate. But if the Magistrate or Superintendent of Police shall be satisfied that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences, he shall forthwith cause them to be discharged recording his reasons for releasing them, and making to the Court of Circuit, the report prescribed in the preceding clause.

Magistrates and Superintendents of Police how to proceed if the parties are apprehended without a warrant.

XXXV. The Tahsildar in all cases of murder within his District shall himself, if possible, proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Tahsildars in all possible cases to proceed to the spot where a murdered body may be found.

XXXVI. Where Tahsildars may have credible information of stolen property being concealed, and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it they shall cause search to be made, and the property if found to be secured and forwarded with the offender to the Magistrate. If the place of concealment be a dwelling house, the search shall be made only between sunrise and sunset.

Tahsildars how to proceed on receiving information of stolen property.

XXXVII. Superintendents of Police are authorized with the sanction of the Court of Circuit, to grant to Zemindars who may be desirous of acting as Heads of Police, and whom they may consider to be qualified for the office, sunuds to act as such within the limits of their respective zemindaries only. The Superintendents of Police shall prescribe to the Zemindars in their Commissions such part of the duties and authority vested by this Regulation in Tahsildars as they may deem proper.

Superintendents of Police in certain cases to vest Zemindars with police authority.

XXXVIII. In large towns, where it may be found that the Police duties cannot be conducted by the Head inhabitant, the Superintendent of Police shall appoint a person to act as Ameen of Police, either immediately under his own orders, or under the Tahsildar of the district, and either with the Police powers vested in Heads of villages, or with those vested in Tahsildars by this Regulation, as may appear expedient.

Ameens of Police to be appointed in large towns.

XXXIX. In towns on the sea coast, where from the resort of Europeans, the employment of a native as Ameen of Police may be found insufficient, an Assistant Collector shall be stationed, and shall within his jurisdiction have the same Police authority as is granted to the Superintendent of Police by this Regulation or such part of it as may be deemed expedient by the Superintendent of Police.

Assistant Collectors to be charged with Police duties in certain sea-port towns.

XL. No Police Officer shall entertain complaints of petty offences, unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties, however, to prefer complaints of such petty offences to the Magistrate at any time; and if the delay shall be shown to have been unavoidable, the Magistrate shall have authority to receive and investigate such complaints.

Limitation of time for the admission by Police Officers of petty complaints.

Such complaints may be received by Magistrates at all times.

XLI. All persons are authorized and directed to secure strangers or suspicious persons who may be found offering property for sale or in pawn at a price evidently below its real value or removing property under suspicious circumstances, at an unseasonable hour of the night, and to bring them with the least possible delay before the Police Officer of the jurisdiction in which the offence may be committed.

Persons tendering property for sale or pawn under suspicious circumstances to be arrested.

XLII. For extortion, oppression or other abuse of authority, Tahsildars, Zemindars, Ameens of Police, Heads of villages, and all Police Officers may be prosecuted by the injured party either criminally before the Magistrate and the Court of Circuit, or for damages in the Zilla Court.

Police officers liable to prosecution for abuse of authority.

XLIII. Persons preferring complaints under the preceding section, which shall on investigation prove to be false, frivolous, or vexatious, shall be punishable by fine not exceeding one hundred Arcot rupees, or by imprisonment for a time not exceeding six months, to be adjudged by the Court before which the complaint has been preferred.

Punishment for vexatious prosecutions for abuse of authority.

XLIV. Tahsildars and other Police Officers acting under them shall not take cognizance of cases of adultery or fornication.

Police Officers not to take cognizance of cases of adultery and fornication.

XLV. The Superintendents of Police shall be charged with the maintenance of the peace within their respective Zillas, and whenever their Police establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest Military station, as directed in section X, Regulation III, 1810.

Superintendents of Police charged with the maintenance of the peace of their districts.

XLVI. The Police establishment of peons which may be transferred to the Collectors as Superintendents of Police shall not be considered as distinct from the Revenue establishment, but shall be equally employed in Police and Revenue duties, as occasion may require.

Police Peons to be considered Revenue servants as well as officers of Police.

XLVII. The Superintendents of Police shall require all manufacturers of fire arms and offensive weapons to take out licenses from their offices within a certain day of which due notice shall be given; and any person who shall be found after that period manufacturing such weapons without a license shall be proceeded against as in a case of misdemeanour.

Manufacturers of fire arms to take out licenses from the Superintendent of Police.

XLVIII. The Superintendent of Police upon receiving a complaint in writing against any person for murder, robbery, or any crime specified in section III, Regulation IV of 1811, shall proceed as directed in sections III, IV, and V of that Regulation, provided, however, that his warrant for the apprehension of the person accused shall be addressed to a Tahsildar or some other Police officer. If upon an investigation of the case it shall appear to the Superintendent of Police that there is no ground to suspect the prisoner of the offence charged against him, the Superintendent of Police shall cause him forthwith to be discharged, recording his reasons for releasing him, and submitting them with the reports ordered in section LXII of this Regulation to be transmitted half-yearly to the Court of Circuit. If on the contrary it shall appear to the Superintendent of Police that there are grounds for suspecting the prisoner to have been concerned in the perpetration of the offence charged, the Superintendent of Police shall forward him as soon as possible to the Magistrate with the complainant, witnesses, and the proceedings, which may have been held in the case.

Superintendents of Police how to proceed on complaints of murder &ca.

XLIX. In the cases specified in section XXX of this Regulation, the Superintendent of Police, if upon investigation of the case it shall appear to him that there is no ground to suspect the prisoner to the offence charged against him, shall forthwith order his bail to be discharged recording his reasons for so doing, and submitting them with the reports ordered in section LXII of this Regulation to be transmitted half-yearly to the Court of Circuit. But if after considering the report made by the Tahsildar, the depositions of the witnesses and the defence of the accused, the Superintendent of Police shall be satisfied that the charge is proved, and that the offence is of a nature punishable by himself, he shall punish the offender by fine or imprisonment, not exceeding the limitations prescribed in the following sections of this Regulation. But if the offender be deserving of a greater punishment than the Superintendent of Police is empowered to inflict, the Superintendent of Police shall forward the report, with the accuser, witnesses and the person accused to the Magistrate.

Superintendents of Police how to proceed in the cases specified in section XXX.

L. In the cases of petty offences, such as abusive language, calumny, inconsiderable assaults, or affrays described in section VIII, Regulation VI of 1802, the Superintendent of Police is authorized to punish the offender by committing him to prison in the cutcherry or Cutwal's choultry for a time not exceeding seven days, or by imposing a fine upon him proportionate to his offence, but in no case exceeding ten Arcot rupees.

Punishment to be inflicted by Superintendents of Police in cases of petty offences described in section VIII, Regulation VI of 1802.

LI. In cases of petty thefts described in section IX, Regulation VI of 1802, the Superintendent of Police shall have authority to punish the offenders by imprisonment in the cutcherry or Cutwal's choultry for a time not exceeding seven days, or shall inflict corporal punishment not exceeding ten stripes with a rattan.

Punishment to be inflicted by Superintendents of Police in cases of petty thefts.

LII. Where the complaints specified in the two preceding sections shall be proved to be litigious, vexatious, or groundless, the Superintendent of Police is authorized to punish the complainant by fine or imprisonment under the limitations prescribed for the punishment of offences specified in section L of this Regulation.

Punishment to be inflicted by Superintendents of Police for vexatious complaints.

LIII. *First.*—If any person amenable to the authority of the Superintendent of Police, shall resist, or cause to be resisted, any warrant, orders or other process issued by him, on the same being charged on oath, the Superintendent of Police shall, if practicable, cause the party to be apprehended, and shall forward him, with a report of the case, the depositions he may have taken, and the witnesses to the Magistrate.

Superintendents of Police how to proceed in cases of resistance to process.

Second.—If the party shall abscond or conceal himself so that he cannot be apprehended, the Superintendent of Police shall issue a proclamation as prescribed in section II, Regulation I, 1810. If the party charged as above cannot be apprehended, and shall not within the period fixed by proclamation appear to answer the charge against him, the Superintendent of Police shall report the case to the Magistrate who shall proceed

Superintendents of Police how to proceed, if the offending party absconds or conceals himself.

as directed in the latter part of clause first, section II, Regulation I of 1810. If the party shall be apprehended or shall appear in pursuance of the proclamation, the Superintendent of Police shall send him, with a report of the case, the depositions he may have taken, and the witnesses, to the Magistrate who shall proceed as directed in sections II and V, Regulation I, 1810.

Superintendents of Police to communicate to each other information on subjects connected with the peace of their zillas.

LIV. Superintendents of Police shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious people having entered, or taken refuge, in each other's districts; and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Superintendents of Police how to proceed, if ordinary process for the apprehension of offenders be insufficient.

LV. When the Superintendent of Police shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, he shall proceed as directed in sections II, III and IV, Regulation XIII of 1809.

Superintendents of Police how to proceed when persons charged with crimes abscond or conceal themselves.

LVI. If any person charged with an offence of a criminal nature shall abscond or conceal himself so that upon a process issued against him by a Superintendent of Police he cannot be found, the Superintendent of Police shall issue a proclamation as prescribed in section IV, Regulation I of 1810. If the party shall not appear and deliver himself up within the period fixed by such proclamation, the Superintendent of Police shall report the case to the Magistrate who shall proceed as directed by section IV, Regulation I of 1810.

Superintendents of Police how to proceed in cases where the perpetrators of gang robbery, murder &ca. may not be known.

LVII. In cases of gang robbery, murder, or other heinous crime, when the offenders may not be known, if it shall appear advisable to the Superintendent of Police, in whose jurisdiction the crime may have been committed, to offer a reward for the discovery of the offender or offenders, he shall proceed as directed in section X, Regulation VI of 1811.

Strays how to be disposed of.

LVIII. The strays referred to in section XI of which the owners cannot be found, shall after the expiration of three months be sold by public auction by order of the Superintendent of Police, and if within six months more no person shall appear to claim the proceeds, the amount thereof after deducting the expenses incurred shall be carried to the credit of Government.

Superintendents of Police to determine the rates of hire to be paid by travellers to palankeen bearers &ca.

LIX. Superintendents of Police are authorized to determine the rates of hire to be paid in their respective districts by travellers to palankeen bearers, coolies, and boatmen, and for draught and carriage cattle, and the rates so determined shall be made public by a table authenticated by the signature of the Superintendent of Police, copies of which shall be kept by the Police Officers at the several stations in the district for reference; provided, however, that the resident inhabitants in their ordinary transactions shall not be bound to abide by the rates specified in the tables authenticated as aforesaid.

Superintendents of Police may receive complaints of frauds committed in using false weights &ca.

LX. Superintendents of Police shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in section XLIX of this Regulation.

Punishment for disrespect to the authority of Superintendents of Police.

LXI. Superintendents of Police are empowered to confine for a period not exceeding seven days in the cutcherry or Cutwal's choultry, or to fine in a sum not exceeding ten Arcot rupees, any person guilty of disrespect to their authority.

Superintendents of Police to send half-yearly reports of punishments to the Courts of Circuit.

LXII. On the 1st of January and 1st of July in each year Superintendents of Police shall send to the Court of Circuit in which the Zilla may be situated a report in the form prescribed in section XIII of this Regulation, of all punishments which they may have ordered in the course of the preceding half-year.

Assistant Collectors to be assistants to the Superintendents of Police.

To take an oath of office.

XLIII. Assistant Collectors shall be Assistants to the Superintendents of Police; and the Superintendents of Police are authorized to employ their Assistants in the execution of such part of their prescribed duties, as from the extent of their general business or other cause, they may be unable to give due attention to themselves, provided that previously to any such Assistant entering upon the exercise of Police authority, he shall take and subscribe before the Magistrate of the Zilla the following oath :—

Form of the oath.

I—A.B, Assistant to the Superintendent of Police in the Zilla of   , solemnly swear that I will to the best of my ability assist the said Superintendent of Police in preserving the peace of the Zilla over which his authority extends; that I will act with impartiality and integrity; and will not exact or receive nor knowingly allow any other person to exact or receive directly or indirectly, any fee, emolument, or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor in Council, do or may expressly authorize,

and that I will perform the duties of my office according to the best of my knowledge, abilities, and judgment, conformably to the Regulations that have been or may be passed by the Governor in Council. "So help me God"

Regulation XXXV of 1802 rescinded.

LXIV. Regulation XXXV, 1802, is hereby rescinded.

Letter—from the Chief Secretary to the Government of Madras.
To—the Commissioners for the Revision of the Judicial System.
Dated—1st March 1816.

I am directed to transmit for your consideration and report the accompanying [foregoing] copy of the proceedings of the Sudder and Foujdary Adalet on the Regulations laid before the Right Hon'ble the Governor in Council with your letter of the 15th of July last and also the revised drafts of those Regulations therein referred to. The Governor in Council recommends to your particular attention the arrangement proposed by the Sudder Adalet of the provisions contained in the drafts of your Regulation.

XI—Minute by the Hon'ble Mr. Fullerton, dated 1st January 1816.

[*In Judicial Consultation, dated 8th March* 1816.]

This letter * contains the views and directions of the Hon'ble Court on the subject of certain intended modifications in the rules for the administration of justice in these provinces. The first part of this letter descants generally on the heavy expense attending the judicial system, on the number of causes undecided, and on the presumed inapplicability of the system itself to the tempers and habits of the natives; in support of the latter opinion quotations are made from Sir Henry Strachey, Colonels Leith, Munro, Wilks and Malcolm, all intended to shew that justice would be better administered by Potails and Punchayets, which practice we are now directed to admit as a part of our system of Judicature. The latter paragraphs of the letter contain directions in respect to the establishment of the original system of Police under the Municipal Officers of the villages to be superintended by Collectors and Tahsildars.

* Judicial Despatch, 29th April 1814.

2. Before I proceed further, it will not I trust be considered improper to say something in respect to the quotations above alluded to, the more especially, as they seem to have been in a great measure the inducing cause of the proposed alterations; of these, one only comes from a practical Judicial servant and one certainly of known ability, Sir H. Strachey. It must, however, be observed that individual opinions against systems founded on long and established principles ought always to be received with extreme caution, however able the individual expressing them may be; no system under Heaven is perfect, defects will occasionally appear even in the best, and some one of those defects invariably becomes the theme of individual discussion, for how easy it is to find out the fault! but how difficult to devise the remedy without disturbing the whole system. In the detail of partial objections the due consideration of general advantage is often overlooked; but the reasoning of Sir H. Strachey, if admitted as conclusive, certainly proves too much, for, according to his reasoning, no European can ever be qualified to administer justice to natives; I have myself sat in a Court of Justice, and I confess I never felt involved in the embarrassment which he describes, nor have I ever heard it complained of by others in the same line; that familiar knowledge of the language of natives resulting from domestic intercourse we may probably never attain. Their habits, custom and religion preclude all such intercourse with Europeans but the language of complaint, of debtor and creditor, of receipt and disbursement, of

contract and engagement is very clear, and it must be held in view that plain and simple matter of fact is all that Judicial evidence generally comprehends.

It is only in the transaction of public business that European servants hold intercourse with natives, but such intercourse, with only a moderate knowledge of their language at its commencement, must, in common course, afford to any person of reasonable ability quite insight enough into the native character to judge of their complaints.

3. Of the opinions of the military gentlemen who have written on the Civil Judicature of India, it may be observed that those opinions were written, either before the introduction of the Judicial system, or at a very early period after, and as none resulted from practical information, they ought rather to be considered as mere speculative reasoning on the probable effects of an intended system (the practical operation of which the writers had no means of observing) than assumed as decisive authority for alterations so many years after its institution. To explain how imperfectly, even the best of those (Colonel Munro) was acquainted with the nature and rules of the Judicial system, I quote the following extract from one of his reports, and I am induced to quote it from having good reason to believe that higher authorities in England have been misled by it. Against Judicial system Colonel Munro adduces the following reasoning :—

"In the Ceded Districts, unless there is some modification of the process of "recovering debts from the ryots, it will be productive of great distress to them, "and of considerable detriment to the public revenue. Almost every ryot has an "account with a bazarman and a balance against him. This account often runs "through two or three generations and is rarely paid off entirely. It usually "originates in a small advance by the bazarman, who probably gives 70 or 80 "rupees, and takes a bond for a hundred with interest at two and a half per cent. "monthly. The ryot in return makes payments in grain, cotton, and other articles "which are usually *valued against* him, and he receives occasionally from the "bazarman small sums for the discharge of his kists; after going on in this way "for a number of years, the ryot finds that, though he is continually paying, he "is only getting deeper into debt. He is satisfied that he has paid as much or "more than he ought to have done, though from his ignorance of accounts, he "cannot exactly explain the particulars, because he does not know how to calcu-"late interest upon his own repayments in kind. He therefore stops payment and "begins to deal with another bazarman, he is protected against destraint "of his cattle and grain by the officers of the Native Government for the sake "of Revenue. But if he carries any part of the produce of his land to a "neighbouring village for sale, he is detained by his creditor, and he then "applies for a Punchayet. The Punchayet goes back as far as possible into "the dealings of the parties, values the ryot's commodities at a fair price, "allows him interest upon the amount, and, should a balance still remain against "him, directs him to pay it; but if none, cancels the bond or other vouchers of "the creditor. It does not consider a claim as valid merely because it is founded "upon a recent bond, because it knows that a ryot who is in immediate want of a "small advance of cash will come to a settlement of accounts and *acknowledge a* "*balance, of which not one-tenth is fairly due.* This was the process which usually "took place between the ryot and his creditor in the Ceded Districts under both "the Native and the Company's Government before the introduction of the Judicial "system. But now, *the creditor has only to produce a recent bond, or an old one that* "*has been in a train of payment, an order for distraint instantly follows*, and a ryot "who has always paid, and would all his life pay, a rent of one or two hundred "rupees, is at once stripped of his cattle, grain, and implements of husbandry and "will most likely never again rise above the rank of a common labourer. The "Judicial Code in this instance supports the most artful against the most simple "class of the inhabitants, for it gives to the creditor a power of destraint which "he neither had nor looked for at the time the debt was contracted."

4. Now the whole of the above reasoning is founded in complete misapprehension of the process of a Zilla Court. That court would not under the Regulation pass an order of distraint on the *mere production of a bond*; the Court is bound to

hear the defendant, and if the bond was stated to have been discharged in whole or in part, he would be allowed to prove the payment; Zilla Courts are not Courts of Law, but of Equity also; they are not to pass judgment on production of bonds or instruments, but to *hear the evidence of both parties* and *give judgment according to justice and right.* They are not indeed Courts of Law at all according to the term used in England. They are bound by law only in matters of caste or inheritance, marriage or religious institution, and then, by the law of the parties, Hindoo or Mahomedan. The case alluded to by Colonel Munro is exactly one provided for in Regulation XXI, Anno Domini 1802. The Court would first recommend arbitration, that is a Punchayet, and if the parties agreed, the settlement would proceed in the old way; if they did not, the Sheristadar of the Court, like the Master in Equity, would make up the account under directions of the Court, disputed items would be examined, the balances adjusted, a decree passed, and the bond cancelled. In reply to the arguments of Colonel Munro, the Board of Revenue observed that the evils would be rectified by the Courts pursuing an equitable rather than a legal jurisdiction: The Board of Revenue in their observation are perfectly correct, the Courts, Zilla, Provincial and Sudder, proceeding in all cases, where no specific rule may exist according to *Justice, Equity* and *good conscience.*

5. The general reasoning of Colonel Munro seems intended to support the administration of justice by Potails and Punchayets as a system of itself superior to that lately introduced. I am fully persuaded the real advantage of the Punchayet mode of administering justice was, that at the time it prevailed, there existed no other. If a man had not a Punchayet to settle his cause, he obtained no settlement at all. Punchayets are not however excluded from our system of Judicature, all cases of account are, by Regulation XXI, recommended to be so adjusted; and what is a Punchayet but an arbitration. It is perfectly within my own knowledge that no inducement is ever spared to prevail on parties to submit such cases to arbitration, and for reasons too obvious to require remark, to save the court the tedious process of investigating an intricate account, in very few instances are parties brought to accede to arbitration, and when they are, the award generally gives rise to a suit intricate in itself and preceded by a harassing investigation as to the existence of partiality and corruption, the proof of which can alone admit appeal from it.

6. That the employment of Punchayets may have been the practice best suited for the times and circumstances under which those military authorities have written, I do not dispute; where men lent money without bond or receipt, or gave the bond for more than was received or having given it, repaid it without getting the bond back; when written engagements were unknown, and each depended on the other's verbal promise, it must be admitted a Punchayet of the village, who from proximity to the litigant parties were themselves personally acquainted with the transaction, was the best calculated to decide; a mode of decision however not resulting from the common course of evidence, or voucher for or against, but from personal knowledge of facts in the breast of the Judges, a system which, however calculated to adjust the petty disputes of a village, can form no ground for a general system of Judicature in a great commercial country, but it may well be asked if it be expedient or reasonable that such a state of confusion should continue, the case quoted by Colonel Munro is surely an argument rather in favor of than against the existing judicial establishment; the banyan cheats the ryot as much as he can because the ryot's property is protected from sale for regular payment, for fear of Government losing revenue, a strict conformity to such rude and barbarous practices, tending to obstruct the progress of improvement and civilization, to keep the general administration of justice secondary and subservient to the collection of Revenue, is surely not desirable by the Government, nor just to the people. When men find that a note or bond is the best legal acknowledgment of a debt, regular receipt the best proof of its discharge, and a written agreement the best voucher for a thing to be done, they will conform to the practice so obviously advantageous. The lender will require the bond, the payer the receipt, and the contracting parties the written obligation, regularity in dealings and accounts will

unquestionably lead to facility of decision, and ultimately to the prevention of disputes, to discourage fraud and false evidence and promote the first object of good laws, the general amelioration of the morals of the people.

7. The retrospective operations of the Judicial system did certainly at the outset embarrass the courts, they were called upon to decide suits originating as far as 12 years back, besides the overpressure from numbers, the cause of action was involved in all the confusion and uncertainty inseparable from the state of anarchy we have just described; it would probably have been better had the retrospective operation been limited to a few years, and preceding disputes been left to be decided by the same irregular course of justice under which they arose: the remark of Colonel Munro is in this respect just, the lender certainly does obtain a security he did not contemplate, vizt. a regular court to enforce payment, but he loses the usurious interest the want of that security produced, for the court would allow only 12 per cent. I cannot entirely acquiesce in the reasoning of Colonel Munro, where he ascribes the careless dealings of natives to a reciprocal confidence in each other's integrity. I am afraid some thing must also be laid to the side of premeditated evasion, while no written voucher is forthcoming each reserves to himself the right of putting his own construction on their transactions and verbal agreements, and also of making up his accounts in his own way.

8. But in judging of the state of things in the days of Punchayet practice I am not bound to the opinions of others. I have myself been 26 years in the country and have spent the most of them in the provinces. I have seen the country under the old as well as the new régime. I have had the means of personal observations and have been in public stations called upon to exercise Judicial powers. I well remember the state of anarchy that preceded the introduction of the judicial system, the inefficiency of Punchayet or arbitration, and the extreme difficulty of getting an award from arbitrators even when they were once assembled, and the still greater difficulty of enforcing it when given. It was easy indeed to get rid of a cause by reference to Punchayet. It was usual to keep lists of the principal inhabitants, each party chose two and the public officers added one; but here ended all appearance of regularity, what followed was a course of dispute, bribery, and intrigue, wrangling and contention, which effectually obstructed decision, giving more trouble to the person acting as Judge, and less satisfaction to the parties than if he had settled the cause himself.

9. The collection of Revenue has invariably been the ruling passion of an Indian Government; up to the year 1802, collection of Revenue and provision of investment comprehended the whole acknowledged functions of the Government of Madras, the administration of Justice, Civil or Criminal, was, as it ever will be, subservient, while united to Revenue or any other executive duties. The pure administration can only be depended on while executed by a distinct department; under the ancient system, no Amildar, Tannadar, or even Collector would enforce process against a party for a private debt if the party had public revenue to pay, lest the payment of the first should endanger the latter; and it is perfectly within my recollection that it was a common practice for a man to engage in some petty rent to save himself from the importunities of private creditors; this principle is indeed the essence of Colonel Munro's reasoning on the case of the ryot and banyan; the Revenue would lose the benefit of the ryot's cultivation if he were made to pay his just debts by a sale of effects.

10. To the 15th paragraph of the Hon'ble Court's letter it may be remarked that an European Judge must at the outset labor under difficulty and disadvantage; the remark is applicable to the commencement of the system, and it must be admitted that at the outset many errors were committed, men were necessarily appointed without previous practice and study; many are now perfect, although it must be admitted misconception and irregularity have not yet entirely ceased; but the Judicial is now become a regular department; young men well grounded in the native language at the College, passing thro' the subordinate branches, it may reasonably be supposed, will in 12 years with all the advantage of numerous decisions and precedent, be capable of presiding in a Court; temporary

difficulty must attend the commencement of every undertaking, but that difficulty furnishes no just ground against a system radically good and intended for permanency. The fear of misconception and its consequent evil of dependence on the officers of the court are I trust without cause; the evil is prevented by the formality of the process directed, the pleadings and evidence are all written and all well considered before the decree is given, the grounds of the decree are to be clearly stated and must be supported by the record, every deposition and exhibit being expressly mentioned and referred to; unless therefore we suppose gross falsification or mutilation of record the evil can scarcely occur.

11. The remark of the Hon'ble Court is applicable to the executive rather than the Judicial department; in the former the public officer, the Collector for example, is the sole guardian of the public interest. The private and personal views of the people and of his servants accord in deceiving him, but in the latter there are two parties before him, he cannot be misled to the favoring of one without prejudice to the other; an open Court, public record and gradation of appeal form a complete check to the evil apprehended.

12. The practice of recording is indeed the very safe-guard of justice and, except in the petty causes tried by judicatories below the Register's Court, cannot safely be dispensed with. The recording of evidence is the sole check against perjury. If the words of a native witness in a cause of property were not taken down, there would be no end to perjury. It cannot be doubted that if justice were carried on off hand, if I may use the expression, by oral and unrecorded testimony, its course would be considerably accelerated; but such a course might leave an opening for that very misconception and mistake in the Judge, which the Hon'ble Court contemplate. It would produce utter indifference in the witness whether he spoke true or false, and would certainly destroy much of that confidence now reposed in decision of the courts; for, the present process, tho' less rapid, carries with it conviction to those concerned that their cause has been fully heard, deliberately considered, and finally decided when arrived at the last resort.

13. The course when detailed in the Regulations may appear tedious and prolix; but it must be remembered that it would require many words to prescribe rules for carrying on the most common occurrences of life, which in practice proceed on with sufficient rapidity.

14. The 16th paragraph conveys the strongest animadversion on the Judicial system, for it contemplates not merely delay and inconvenience, but the absolute perversion of justice. It is much to be lamented that such an opinion should be entertained by so high an authority; but there is only one way to solve the doubts of the Hon'ble Court, and that is, by directing a certain number of the records of each court to be translated and sent home, the course of proceedings, the justice or otherwise of the decree will be ascertained beyond dispute.

15. In respect to form, a Law suit must in the nature of things proceed much the same in all countries, the complaining party must be heard (Plaint), the defendant must answer; and in many cases, tho' not in all perhaps, the reply and rejoinder are necessary to the clear understanding of the case, each party must also be allowed to produce his evidence and written documents to support his assertions. What more proceedings do the Regulations require, and what less could afford the litigants the means of shewing their case? I confess when I hear a comparison made between the forms of our courts and those of the Law Courts in England adduced as reasoning against our system, when I at the same time look into Jacob's law dictionary and there see the variety of forms, of terms and fictions of the Law, it excites my astonishment that such a comparison should be advanced! That our forms were new, and perhaps not immediately understood cannot be denied; but in 1802, the administration of justice was in itself the great novelty. Those forms are now familiar and understood by the people, and I confess I cannot see how they could be simplified, it does indeed appear that the replication and rejoinder might be spared, but as the intervening time allowed is only to the next court day between answer and replication, and the rejoinder

is filed the same day with the replication, little time is lost and the means of explanation afforded by the replication may in the end shorten the suit.

16. That the process has extended itself beyond this I believe, but this unnecessary extension is attributable rather to want of attention in the judges than the provisions of the Regulations ; supplemental pleadings are allowable only in cases of obvious inadvertence or mistake, the correction of which is indispensable to the ends of justice. The admission of motions by pleaders for further witnesses in the course of a suit is another source of delay in decision, by leading away from the first grounds of action and protracting the course of the suit ; but the remedy for these must be found in the attention of the judges and not in new provisions of the Regulation.

17. The quotations of Colonel Munro's that follow, of the inconveniences resulting to Head inhabitants, were, I doubt not, when made well founded, but it must be recollected, that these inconveniences like many others much dwelt upon, could exist only at the first institution and imperfect state of the system ; the extension of native Judicatories would effectually do away the necessity of the great body of the people being called to the Zillah Court, for the system contemplates a Native Commissioner in every 20 square miles : but we are authorized by Colonel Munro himself to consider the objection of little consequence, for in a report dated 13th May 1815, he remarks as follows.

" Long journies and absence from home are not in this country regarded in " the same serious light as in Europe. The natives both from their own manners " and the nature of the climate are enabled to make journies of 150 or 200 miles " at little or no expense, and with hardly any inconvenience. The ryots in parti-" cular except during the sowing and reaping seasons, think nothing of coming " 100 miles with a complaint though the matter in dispute does not probably " amount to 2 rupees." The evils detailed by the Collector of South Arcot, if I recollect right, are intended as arguments against the triennial rent then introduced, and can be rectified only by vesting the Collectors with summary Judicial powers in certain revenue cases in the manner detailed in another place.

18. To another objection, that of native pleaders, the same arguments must apply as to the Judges : on first nomination, they cannot be expected to be very expert. It will in due course become a study ; as to wilful abuse there is an inherent counteraction, the rivalry of the pleaders ; ability will in that capacity ensure employ as it does in any other profession ; but every measure of reform one way brings with it an evil on the other side. If pleaders were dispensed with, the public would not be subject to the tricks surmised by Colonel Leith, but parties would be put to the inconvenience of attending throughout the suit and pleading for themselves. Regulation X, Anno Domini 1802, guards the public as far as possible from abuse in this respect. It makes the vakeels liable to dismissal and prosecution for abuse ; it authorizes a party in a suit to change his pleader on any stage of it, and lastly, it authorizes every man to plead his own cause if he chooses ; human foresight and precaution can do no more.

19. The right of a party to plead his own cause carries in itself a radical remedy against abuse, and at the same time, affords much better means of judging of the expediency of the vakeel system than any reasoning can convey. The employment of vakeels, while people may plead themselves, establishes the fact that a preference is now given to professional pleaders, but that preference the community are at liberty to withdraw if they find practical evil predominate and the expense and tricks of the pleaders outweigh the trouble of personal pleading.

20. Of the number of causes standing on the file and the consequent appearance of inadequacy of the system to meet the demands of the people, much has been said in every discussion that has taken place ; but I am quite at a loss to judge how far the conclusion is correct. That the aggregate number of causes in the file is great we must all admit, but so is the number of causes actually decided ; if the number of the latter keep pace with the former, the presumption must be that the supply of justice keeps pace with the demand of the country

This is the numbers settled during 1814, and on the late 1st January 1815,—

By the Commissioner	21,571
By Razeenamah	9,116
	30,687
By Judges and Regulations	8,528
	38,615
	[39,215]

at the rate of decision 32,246 causes per annum, the number on the file 20,138 is little more than six months work. In an extensive territory containing a great population many law suits will always exist, it is not the aggregate number of suits but the proportion they bear to the population and property that must be considered, and in this respect we can judge only from comparison with other countries, a comparison which I do not find has been made by others and which I have no means of making for myself; the appeal to Law must however in the common course of things be excessive at first, in the early periods of a settled form of justice, every thing is disputed, but a long course of regular administration settles rights and principles which are by general assent admitted in society, and it is only cases of doubt that then come before the courts. It must here be remarked, that the causes of action are in an Indian community infinite in comparison with those of Europe; the minute sub-division of landed property, rents of a few pagodas a year involving the same disputes as one of 1000, in like manner trade is conducted by innumerable petty dealers, and the stock of 50 rupees gives rise to the same question of partnership, brokerage, bills of exchange, bargains and obligations as the trade of a great mercantile house, not to mention questions of inheritance and division.

21. That delay will however in some cases unavoidably occur, I admit; there is but one Judge in each Zilla and if he is sick, the business is at a stand and arrears must accumulate; it is on this account principally that the continuance of Assistant Judges has been found indispensable. The fact is that the courts were overpowered by arrears at their first establishment. For many years preceding that period, the administration of Justice cannot be said to have existed and the pressure of suits in those very districts, where the Punchayet practice is stated by its greatest advocates to have prevailed, is a certain proof of its utter inadequateness and inefficiency, of itself; for the distribution of justice, the establishment of the courts opened the door so long closed, and the retrospective operation twelve years back may literally be said to have brought twelve years work at once on the Judges, at the time too when want of practice would of itself have retarded their operations; the tattered cadjans and old accounts of every family were raked up all thro' the country to establish suits, while just claims were at the same time resisted in order to try the chance of a law suit in defence; no costs were demandable in the first instance; those payable, the pleaders' fees 5 per cent, were not called for until the close of the suit; the institution and other fees prescribed by Regulation V and XVII A. D. 1809 unquestionably relieved the courts of the litigious matter brought upon them at the outset. The Hon'ble Court seem to think that those fees preclude the just claimants from having recourse to the courts: from my own observation, for at that time I was attached to a Provincial Court, I do not believe one appeal was allowed to drop on that occasion that had the slightest prospect of favourable issue, and many were allowed to stand on hopeless grounds. I am satisfied indeed that the existing fees never will prevent an application from any person whose cause is in any way promising, for they are all recoverable from the losing party at the close of the suit, but what confirms me further in this opinion is the observation I have made in respect to the Supreme Court; the regular fees there are far beyond those of the Provincial Courts, besides the demand of attornies who, in respect to natives, never act *without cash in advance*; yet there is no apparent backwardness in natives of Madras resorting on all occasions to that Court.

22. The necessity of an exhibit fee must be apparent to every one who ever had a record of a native suit before him, the mass of irrelevant matter that would otherwise intrude itself can be effectually excluded only by the demand of a heavy fee for admission. But in regard to fees generally, the privilege of pleading *in formâ pauperis*, which the courts must in cases of real distress allow, removes the only serious objections. The gratuitous administration of justice is beautiful in theory but impossible in practice. Costs of suits impose the fair punishment on

him who will not pay his just debts, or will assert unjust claims to what does not belong to him; the payment of costs is provided for by the Hindoo Law itself.

23. It has been observed that a constant and pervading exercise of powers of superintendence and control is the sphere of action in which the Company's European servants can be most beneficially employed, and alluding to the expediency of leaving the administration of justice to the natives, reserving the superintendence and control to the European servant, I entreat a reference to the number of causes now decided by natives, and beg to know whether the administration of justice be not, even now, generally committed to natives, and whether the superintendence and control over Judicatories, operative to such extent, could be efficiently conducted with fewer European servants than a Judge and Register. Those who imagine that superintendence and control could be exercised by Collectors, know little of the laborious duties already imposed on them. The system we are now pursuing is indeed a practical demonstration of the very theory adduced by the Hon'ble Court carried under Native Commissioners just as far perhaps as can be done with safety; if indeed it be carried to such extent as to defeat the powers of superintendence. We may fairly ask if the native officers of the courts and the vakeels under the very eye of the Judge, practise those frauds surmised by the Hon'ble Court, what would the scene be under a host of native Judges deciding without appeal or with no other superintendence than that of a Collector at the same time employed in the collection of 6 lacs of pagodas revenue? There is indeed but one mode of superintending Judicial proceedings with effect; a superior court open to appeals against erroneous decisions, and complaints of irregularities and breach of the written Regulations.

24. I have now considered generally the animadversion that has been made on the Judicial system. I am satisfied that the objections hitherto urged against it arise, either from want of clear comprehension of its principles or from the effects of casual error, and from imperfection unavoidable at its out-set, want of skill and experience in those to whose lot it fell to commence its operations. We must be cautious not to lay to the fault of the system the errors, neglect or supineness of Judicial officers; it may be doubted whether the delay so much complained of is not in some degree attributable, rather to personal neglect than the natural course of Judicial proceedings. It must be admitted that the Government have not that direct control or means of detecting neglect and improper delay in the Judicial, that exists in other departments. If the Collector fails in his duty, the failure of the revenue brings the fault to the notice of Government, and so with the Commercial Resident; but in the administration of justice, altho' ultimately of vital importance to the State as well as the subject, delay is less perceptible, the immediate and apparent interests of Government are not so sensibly affected. The provisions of the code are now better and more generally understood by the people, and the officers of Government, the system has in a certain degree taken root and I firmly believe is satisfactory to the great body of the people.

25. Some of the reasoning against the judicial system in respect to native opinions carries with it its own refutation, it is argued that the people dislike it, and at the same time that the courts are overpowered with business, what should bring natives to the court if they did not like it, and is not their constant application to it a proof of their approbation? The system once understood, could not fail to be satisfactory. The acts of public officers were formerly beyond the reach of redress even in that branch, the Revenue, on which, of all others, the peace and prosperity of the people is most nearly interested, and the same exemption extended to their inferior officers; the channel of complaint was shut, and too frequently open resistance was the first proof of grievance or dissatisfaction; that system, therefore which rendered these acts cognizable by an independent authority, accessible at all times, confers a benefit not likely to be misunderstood; and however partial inconvenience may sometimes arise, the just and humane objects of the Government, are duly appreciated by the body of the people; it must ever therefore be kept in view, that the separation of the Executive and Judicial, the

disarming of the former of all arbitrary unlimited authority or power of decision in its own cause, and the guard and security thereby afforded to the people against unjust acts of executive officers, form the radical principle of the judicial system; modifications therefore, however plausible they may appear in respect to promptness and celerity in the collection of revenue, or even in administering justice, which contravene this established principle, cannot be safely admitted. That many arguments may still be adduced against the system cannot be denied; for it has many enemies, and those of a description most likely, as far as loudness goes, to make themselves heard. I allude to the whole host of cutcherry servants in every part of the country whose undue authority is checked, and whose insolence is repressed by the intervention of courts of justice. If any public officer be set up to receive complaints against any system he will seldom fail to find applicants; none make more use of the right of petitioning than the natives of India; in the game of law some must be losers, and every losing party will doubtless furnish an argument against that system under which he has lost his cause.

26. The executive habits of some of the European Revenue Officers lead them to view the system unfavourably, aware of many practical advantages in a new acquired, and consequently unsettled, country, that may be derived from active and direct exercise of uncontrolled authority, fretted by occasional difficulty from less ready obedience than they formerly met with, and conscious also of their own integrity and of the pure motives which guide them in its exercise, they are led to view the supremacy of the Judicial department, and its cognizance over them as conveying a tacit reflection on themselves, without duely considering that a system of judicature must be general, that it is directed not against individuals, but the general fallibility of man, and cannot admit in its contemplation individual excellence, that it is intended to guard the just rights, and contribute to the happiness of the people, and cannot therefore be sacrificed by a just Government to partial facilities of collecting its own revenue. Many of the observations of the Hon'ble Court are general and may be applied to every system of judicature; the administration of justice is admitted to be good in itself, but in all countries it brings with it perceptible evils and individual distress; multiplicity of forms, delay that operates with tenfold inconvenience on the poor comparatively with the rich, the tricks, and chicanery of lawyers, and a long train of evils that have called forth the general animadversion of mankind.

27. I cannot conclude this part of the subject without one remark, that however partial defects may have been found, it is certain that the territories under this Presidency never enjoyed such a state of internal tranquillity as they have done since the introduction of the Judicial system; the peace and tranquillity of the country afford, surely more certain grounds of judgment as to the applicability of any system, than the speculative opinions of men written many years ago, and evidently founded on a presumption which reason and humanity contradict, that the natives of India are not susceptible of the blessings of civil liberty; that they cannot do justice to themselves as subjects, but must, as servants, look to a master for protection, and must ever remain in that state of abject servitude and mental imbecility to which a long course of Mussulman Government had reduced them.

28. With a mind fully impressed with the conviction of the substantial benefits conferred on our subjects by the existing system of Government, not insensible of its partial imperfections but holding in mind the observation of a great moral writer "that perfection is not attainable in any human institution; "that if good predominate, it is all we can expect." I proceed to consider the modifications proposed.

29. The principal of those respecting the Civil administration of Justice consists in the jurisdiction intended to be vested in the Village Potail, aided by a Punchayet; however calculated for the adjustment of the petty disputes of a village, I cannot admit that any just conclusion can be drawn in favor of the Punchayet from former practice, as a system of itself sufficient for the general administration of justice, a system, indeed, undefined by any Regulation, without

recorded rule of process in any one of its branches, the character of which depended entirely on the personal qualities of the Public Officer of the district, affords no ground whatever of forming any opinion, altho' the number of suits brought before the regular courts, the cause of action arising in districts, and exactly at those periods when the practice prevailed, seems to lead to the conclusion of its utter inefficiency. I am not prepared to assert that the Punchayet as described by the Hon'ble Court, may not, under written rules, and superintended by the Judicial authorities of the country, enter with advantage, as a subordinate part of our system. Altho' many circumstances may occur to prevent its success, it is worth the trial, and the alteration from the existing system is so immaterial in itself that, under proper check and control, I do not see any danger in the attempt. One advantage, if it succeed, must certainly attend its introduction, Justice will be brought to the doors of the people, and if they are satisfied with the decision there, it will be a real blessing; but it does not appear that the decision of the Potail himself is to be final; on the other hand the decision of the Punchayet is appealable on proof of partiality or corruption, and here opens the door for litigation as extended as it is at present. Men's minds are always heated in a law suit, seldom the losing party acquiesces if there be an opening to try his chance in a superior court; the danger is that, as the means of litigating are brought nearer home, there will be more litigation, and appeals will be more frequent, that parties will often attempt to do away the decision of the Punchayet, and hence the execution of the duty will be avoided. No creditable person will act willingly, he must know that one party will lose and that one party therefore will probably do all he can to discredit his decision, and with it his general character; the consequence is likely to be that a Punchayet will at last be composed of persons making a trade of justice or assembled by compulsion alone. Another circumstance induces me to doubt success, the personal qualities of the Potail in many parts of the country. I doubt if men will be found in all parts of the country fit for the office. On the whole therefore, tho' I fully admit the benefit that would result, I am not sanguine in regard to the success; all I can say of it is that the Hon'ble Court having so directed, the system ought to be fairly tried.

30. One of the objects in appointing Potails or Head inhabitants to be Munsifs is declared in the preamble to one of the Regulations proposed by the Commissioners—"To restore to the Heads of villages and Curnums that consi-"deration they formerly derived from the decision of such suits." The restoration of that consideration and authority brings with it the usual concomitant of authority vested in a native, temptation to abuse it. The Head inhabitants have been denounced as the general oppressors of the inferior ryots, and I have always understood that the introduction of the Ryotwar, or Individual, settlement had for its object the annihilation of that influence, leaving each ryot to look up to the Collector alone. It may be doubted whether the restoration of the power and consideration will not restore those very means of abuse. It may be doubted indeed whether the Judicial and Police authority formerly vested on Heads of villages might not in reality have established that very influence which we found it not easy to remove. The danger of its restoration is the stronger, because the persons who are to act as Village Munsifs and at the head of the Village Police are the renters, or generally the persons whom the village officers naturally obey. The separation of the functions Revenue and Judicial, is the fundamental principle of the existing system; but here we are in reality uniting them in the lower order, the part, perhaps, where their unity is least to be trusted. It is not the mere adjudications of petty disputes by the Head inhabitant that is dangerous, but the power necessary to be put in his hands to enable him as Munsif to conduct his court. The Village Police involves in the first instance all the civil power of the village, the order of the Head man must in the first instance be obeyed; he has the power of punishment in his hands both in the Civil and Criminal side, he can put in the stocks, he can fine and lastly he can put a man on the Punchayet, which, judging from past observation, I am strongly disposed to think will be considered as a punishment, redress against improper orders must be travelled for at expense and inconvenience. It is to be feared from long settled habit that, to a Potail whether

For in that capacity his jurisdiction is compulsion over one party at least.

acting in the capacity of renter or in his proper function as a Revenue Officer, the administration of justice will be considered as *a public matter*, of secondary consideration in comparison with the collection of revenue; *primary* only where self interest is involved.

31. In former times no Zemindar, renter or even Collector would enforce process against an inhabitant for a private debt if it endangered his collections. What reason have we to expect other consequences, under similar arrangement and powers, in the hands of a description of people having a similar interest? Village Mūnsifs are precluded from settling causes in which they have an interest, but in fact they will have an interest in almost every case that can occur, in every one certainly where a ryot is concerned, will the Munsif compel payment of a debt by a ryot if that payment endanger his rent. It may be argued that practical good may result from a partial deviation from principle; in this light we must view the Judicial powers intended to be given to Head inhabitants, but to the tendency to abuse we must oppose local check and control, I do not think the objections above stated sufficiently strong to prevent the experimental adoption of the measure, enjoined as it is by the Hon'ble Court, but they certainly afford strong reasons for placing the Village Munsifs more directly under the control and superintendence of the Zilla Courts than the Regulations of the Commission propose.

32. The Zilla Judge must be considered, not merely as the adjudicator of Civil suits to a certain amount, but the Superintendent of Judicial process throughout the Zilla. Justice is the end in view, and Judicial process is the means, he must have it in his power to detect error or abuse of process in every judicatory under his control and this he can only do effectually by having the appeal direct to him from all the lower Courts. The appeal must come to him from the Village as well as the District Munsif. It is not safe, in my opinion * to exclude European superintendence even in the decision of suits under ten rupees, and finality of decision by a Native court ought not to be allowed. The sum is small indeed, but no sum is beneath the notice of native corruption. Number of cases makes up for smallness of individual amount. If appeal be open from Village to District Munsif, and the latter decision be final, they will first extra-judicially correspond and then collude, a systematic course of corruption will proceed, it cannot be said above the control of the Judge, but untangibly beneath it. I am therefore clearly of opinion that appeal should go from Village and District Munsif to the Zilla Court to be decided by the Judge himself, or by reference to his Register, so that every suit may, if parties require it, have the benefit of decision by one European Judicatory. If suitors wish to have the advantage of a District Punchayet, they can go at once to the District Munsif; besides the means of check and control afforded by this course of appeal, it seems to me to be necessary with a view to general arrangement of appeal as will hereafter be stated.

33. The, draft of the Commissioners' Regulation, I perceive, declares the Village Munsifs only responsible to the Zilla Court in cases of corruption; but adverting to the powers conferred on the Munsif, it will be seen that many other means of abuse and of distressing the people are open, against all which a channel of obtaining of redress should be open. The Village, like the District Munsif should be responsible to the Zilla Court for all acts done contrary to the Regulation. It will be recollected that the Hon'ble Court in proposing the more extended employment of natives in the administration of Justice, depend for security against abuse in the vigilance and control of the European servant, and it is therefore essential to the system that efficient means of control should be afforded.

34. The District Munsif is placed in all respects under the direct control of the Judge; he is, to all intents, and purposes a Native Head Commissioner, but it seems to me that many other duties may be confided to him than the mere hearing of causes, whereby the course of justice might be accelerated and other courts

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* Rather than admit appeal from Village Munsif to District Munsif it would be preferable to make the decision of the Village Munsif final as far as 5 rupees, that of the District Munsif final as far as 10 rupees, excepting however on proof of gross partiality and corruption.

relieved; of these we may point out the following:—to execute the duty within his range now done by the Nazir and peons, to execute the duties of deputed Ameens such as ascertainment of boundaries and other local enquiries, the usages and local rates of land assessment or accounts of collections, executing decrees and sale of property, receiving fines, delivery of possession, ascertaining sufficiency of security, or actual indigence of asserted paupers, and above all, may be committed to him the taking of evidence in cases under trial before superior courts, by commission, trial and report on matter of fact at any place in his neighbourhood by simple interrogatories before the parties or by report, and generally all matters requiring local investigation; the Munsif might also be employed in selling stamp paper as agent for the Collector, a moderate fee on all the duties above described would place the Munsiff above temptation by making his allowances respectable.

35. In respect to limitation of appeals the following appears to me to be the best principle that can be observed; it is that indeed that dictates the existing Regulations regarding appeals.

(1) Every suitor should have the benefit of two decisions, one original, one in appeal (the latter before an European Judicatory) where matter of fact only is involved: the amount at issue exceeding 10 rupees.

(2) Where decisions are founded on points of law or Regulation, when they involve a principle of general import, such as between landlord and tenant, or when a question of great and general importance never before decided is concerned, appeal should pass up to the highest court, but, in such appeals, care should be taken to prevent common matters of fact from passing up, and only the point of principle, or particular importance should constitute the grounds of appeal. Every court is now directed to record the grounds of decision; with a view to the effectual operation of the principle of appeal here detailed, particular attention might be enjoined to a careful descrimination between law and fact in their decrees. The petition of appeal should be attached to the copy of the decree, and furnished to the superior court; no pleadings need be admitted. If the grounds of the decree are found to turn on points of law, or principles of the Regulation, or cases of importance, and if the superior court consider those principles misapplied or any part of Regulations misconstrued, they should direct the revision of the decree, overruling the error in principle or construction, or in the latter case, of importance, admit a regular appeal; but in the two former cases matters of fact are not to be touched as they do not form the legal grounds of appeal.

(3) Appeal, as at present, must be open to the highest court against all irregularity of process, refusal to hear or dismission by default, by petition and summary process.

36. To apply the main principle of appeal, it will be necessary that all suit above 5,000 rupees should continue to be brought first into the Provincial Courts; the decision will be by those courts in the first instance, and in the second by appeal to the Sudder Court.

All suits below 5,000 rupees should go to the Zilla Court, the decision will be first by that Court and secondly by the Provincial Court.

All suits not exceeding 1,000 rupees may be referable to the Register, the decision will be first by him, secondly by the Judge; the judicial powers of the Register are now limited to 500 rupees, but I can see no good cause for not extending them, and it has the advantage that will be pointed out hereafter.

All suits below 300 rupees may be referred to the Sudder Ameen, the decision will be first by him, secondly by the Judge or Register if the Judge thinks fit to refer appeals, and the decision will be final in either case.

All causes under 200 rupees may be decided by the District Munsiff in the first instance, with appeal to the Judge; in suits exceeding 10 rupees referable to the Register, and in either case decision final.

All causes under 50 rupees direct or 100 by Punchayet may be settled by the Village Munsiff first, and in appeal if above 5 rupees by the Zilla Judge, or Register if referred, and by either; the decision may be final.

37. It is certainly desirable that the Judge himself should try appeals from the Native judicatories instead of referring them to his Register but it seems

unadvisable to prescribe it by law, because the Judge may occasionally be pressed by other business which makes the latitude necessary. It is true the limitation is only on the side of excess, the courts cannot try beyond a certain amount; but the Judge is not precluded from hearing causes of the smallest amount, and all suits tried by him, would under the principle here defined, pass up, whatever the amount, to the Provincial Court; he should be enjoined, therefore, as far as circumstances admit, to continue original cognizance to suits between 1,000 and 5,000 rupees, referring all below 1,000 to the Register or inferior courts, taking cognizance, only of suits under 1,000 rupees when there appears on the plaint *prima facie evidence* of their being such as involve special matter, and would entitle to appeal to the higher courts; the advantage of this arrangement is that, admitting to all suitors the double hearing if desired, the original limitation will be adhered to, no suit beyond 1,000 rupees coming in common course beyond the Zilla Judge. Those arrangements do not of course affect the decision by Punchayet except in so far as they become appealable, the appeal rising like others to the Judge.

38. Of the levying of fees I have, in a former part of this paper given it as my opinion, that it must be continued; the reasoning is however susceptible of some modification with a view to the main object, the prevention of litigation rising up to the superior courts; in causes cognizable before the Village Munsif only the lower class of natives will be principally concerned, to whom the levy of fees might be inconvenient. It is proper therefore that such causes should be exempt from all demand whatever in the shape of fees or stamps; those cognizable by the District Munsif should be liable only to the institution fee and the stamp paper; the institution fee I say on financial consideration as it is the best means of remuneration to the Munsif. The main object of those Native judicatories is the relief of the superior courts, exemption from fees must be the inducement to have recourse to them, but wherever parties go direct or by appeal to the superior courts, the suit should become liable to fees of every description, without reference to amount of suit.

39. As to abbreviation of process it appears to me that the Reply and Rejoinder may be dispensed with in all judicatories under the Register's Court, and in all appeals to any one of the courts. In cases of appeal the petition and answer must contain the ground of appeal and all that can be said against it, a reply and rejoinder are only useless additions to the record, the reply and rejoinder should be retained only in original suits tried by the Zilla Judge or Register for the reasons already stated, that they take up but little additional time, and may, by the explanation they afford, accelerate decision.

40. The discontinuance of recording I consider most unadvisable. If that practice were given up, a general laxity of process and decision would ensue. I have already stated the practice as the safe guard of justice and check against perjury. Licensed vakeels must, in my opinion, be continued, the balance of good predominates and general inconvenience would result by bringing parties themselves into court on all occasions.

41. I come next to the Police, the most important part of the discussion; here again ample quotations are made from military authorities, but there surely was no necessity for resting on that evidence for the support of intended alterations; the inexpediency of the system of the Police under Darogahs and Tannadars appeared manifest at a very early period. A Committee was appointed in 1805 to consider of a general system of Police, and their report contained an express recommendation to continue the ancient system under Head inhabitants, and the Municipal village establishments, and to place the superintendence of the Police under the Collector; the same sentiments in regard to village establishments have been repeated in the report of the second Committee; the decision of the Supreme Government against the transfer of Police to the Collector precluded the discussion of that measure by the second Committee. The stipendiary Police peons have indeed shewn themselves incapable of acting but by the aid of the village people, and they have moreover proved a great annoyance to the inhabitants.

42. On the support of Police duties it is argued by the Hon'ble Court, and has indeed been generally admitted by all who have ever considered the subject, first, that no system of Police will be efficient, unless the subordinate duties be conducted by the Talliar or Village watcher, secondly, that the Talliars or Village watchers will act only with effect under the Head inhabitants, thirdly, that the Head inhabitants will act only willingly under the Amildars and Collector: hence it follows, by clear deduction of consequences, that the superintendence of the Police ought to be under the Collector, the ubiquitary nature of the Collector's situation, the connection that has invariably subsisted between the Revenue and Police duties which have until of late been executed by the same persons, point him out the fittest person for the office; the expediency of the transfer of Police duties from Magistrates to the Collector, has been dwelt upon at length by the first committee of Police in the year 1806; but here, like that committee, I must draw the line between Executive and Judicial functions; for, although it is admitted that the Collector can most advantageously perform the duties of Police, it by no means follows that he should be the Magistrate, much less the sole Magistrate of the District; Police, I consider, to involve a duty entirely distinct from magisterial. It is to all intents and purposes in its nature executive, and although not absolutely incompatible with that of Magistrate, it had better be kept separate, for it necessarily involves acts against which appeal should be open to the Magistrate, by whom alone their propriety can be decided on. The establishment of such a degree of control and superintendence over the conduct of the people as will tend to the prevention of crime, must be the first object of Police, the next, when crimes have been committed, to secure the apprehension of the criminals by a proper arrangement and distribution of its officers, it will then become the duty of the Superintendent of Police summarily to enquire whether the criminal charge be or be not well founded, and when it appears so, to cause the parties and the witnesses to be sent to the Magistrate; the Magistrate is to judge and to determine the measure of punishment to the extent allowed him, or, if the crime be such as to require punishment beyond his powers, it will be his duty to commit for trial before the superior tribunal, the Court of Circuit, the arrangement calculated for the prevention, next the detection of crime when committed, and the apprehension of criminals, I conceive to be the proper duties of the Police; the trial and punishment are the duties of the Magistrate and Court of Circuit in their respective gradations.*

43. The influence of the Head inhabitants, the subordination of the Village officers, adapt themselves admirably to the superintendence of Police in its true sense and meaning within their respective villages; they impose that general control and convey that knowledge of individual character and conduct which a good Police so exactly requires, the suspicious are watched, and the guilty are detected; but so far this good is confined to the villages respectively, for however special the care taken of themselves, the inhabitants of one village will stand on no ceremony in buying for half price what they know to have been stolen in another, hence petty pilfering and stealing is the great prevalent crime. Lambadies, Courchewars, and others, passing for itinerant merchants, go about the country, selling in one village what they have stolen in another, a general and pervading superintendence is therefore essential, and by none can that superintendence be so well conducted as by the Collector and his officers; the constant intercourse that must prevail between him and the inhabitants in general, aided by the Municipal officers of villages holds forth every prospect of establishing that preventive system, the grand object of Police in all countries, the want of which appears to me the great cause of increase of crimes under the Bengal Government. There the internal village economy has been destroyed; the peace of the country is left to the guard of a stipendiary establishment, and the inhabitants seem to take little interest in it: all is magisterial, that is, consequential punishment; but there seems to exist no system of prevention.

* The duties of Magistrates are always confounded with those belonging to Police without considering that they are separate and distinct and that the functions of those to whom it ought to be assigned to conduct the Police system terminate the moment the exercise of the Magisterial duties becomes necessary—Colquhoun—Treatise on Indigence, page 82.

44. The disadvantage and inconvenience likely to result from the disunion of Revenue and Police duties are stated in the Hon'ble Court's letters. It is there argued that, both duties having formerly been executed by the same persons, the separation is calculated to produce a clashing and collision of authority, and to paralize both; the whole of the reasoning expressly applies to the superintendence of Police and Revenue being in different hands; by the transfer of that of Police to the Collector every object is attained. The whole Native Police establishments will be exclusively under his orders, and as regards Police, there can be no objection to his employing his Assistant as in the Revenue Department and thro' him will pass all orders of the Magistrate in the Criminal side or in which the Police Officers are to be employed. It has, I perceive, been argued that unless the whole powers of the Magistrate be conferred on the Collector, he cannot execute with effect the duties of superintendence of Police, but I confess I cannot discover the weight of this reasoning. If the appointment and dismission of officers of Police rest with the Collector, to the same extent as they do in the Revenue Department, his control over the one must be quite as efficient as over the other. The term Magisterial has indeed a very extensive meaning; it applies to the Judge of the highest court and the common Justice of the Peace; some of the powers now held by the Magistrate, must of course and ex-officio be vested in the Collector as Superintendent of Police; these are the powers of taking up, examining, and confining for a reasonable time pending examination, but I cannot see how the power of passing sentence on offenders when seized would add to the efficiency of his control over his subordinate Police Officers, or, to state it plainly, how the power of flogging a thief would make it easier to catch him.

45. The combination of Police and Revenue functions in the same servant is certainly calculated to strengthen both, and to fulfil the ends of economy in view of the Hon'ble Court; but not one of those ends would be further promoted by the junction of Revenue and Magisterial duties, the transfer of the latter to the Collectors it may be said would relieve the Magistrate, but it is not the duties purely Magisterial, that is the hearing and punishment of offences, that fall so heavy on the Judge and Magistrate; it is the keeping of the peace of the country and the numerous details of Police thereto attached, the consequent necessity of employing people whose conduct he cannot personally control, of depending on reports he cannot locally examine. This indeed is the worst feature of the existing system of Police under the direct control of the Magistrate. Instances may occur in which the misconduct and misinformation of a Police Darogah, not perceived by the Magistrate, would involve the whole district in confusion. Fixed at his court house the Magistrate cannot easily wield the engine of Police like one visiting it in all its parts, and able to apply a remedy to every local defect: relieved from that duty, the other duties would not be felt by the Magistrate, but on the other hand it seems to me obvious that the transfer of Magisterial as well as Police duties would considerably embarrass the Collector. It would still unite powers which, as I have already observed, had better be separate, and would impose on him functions perfectly distinct from those of Revenue. It would impose on him the necessity of keeping regular Calenders, of attending the Judge on circuit while at the station, of preparing the numerous documents to be laid before him, which, on some occasions, require the united aid of all the officers of the court; but above all, it would directly infringe the radical principle on which the existing system is founded, and from which every practical good has resulted.

46. If the Collector be vested with the power of punishment, whether by fine, imprisonment or stripes, there is too much reason to fear, if not its misapplication to executive purposes by Collectors themselves, at least an abuse in the native servants of that *authoritative*, that overwhelming influence, which such power would undoubtedly create. The deprivation of all means of abuse may be considered a fixed principle from which it is safest not to depart, the more especially as the deviation is not supported by any important object, for every practical advantage is attainable without going so far; vesting in Collectors, Magisterial powers, i.e., the trial and punishment to a limited extent, would not

accelerate the administration of the Criminal law. He may indeed go round the country, but he can only be at one place at a time, and that place may be at one end of the district, while crime is committed at the other, prisoner and witness would have as far to go, occasionally further, than now; moving about is useful as regards Police but the very reverse as regards Magisterial duties.

47. The petty punishment proposed to be vested on the Head inhabitant of the village has this advantage, that he is Resident Magistrate of the village, and the effect is prompt, while the punishment by the Collector must, in most cases, be as distant as by the Magistrate. On an attentive perusal of paragraphs 73 to 98 of the Hon'ble Court's letter, it does not appear that the transfer of Magisterial duties to the Collector is actually insisted on, their intention as to the Police seems clear, but altho' the other is suggested, it is mentioned as a thing rather proposed than positively directed, and ought therefore to be well considered before adopted. The Hon'ble Court, following the usual course of reasoning, seem to connect Magisterial and Police functions as a matter of course, without apparently considering that the separation is not only practicable but highly expedient. The only expression conveying the idea of such distinction will be found in paragraph 93, and the expression clearly infers that it is the union of Revenue and Police duties only on which their minds are made up. But if, as appears to me unquestionable, the foregoing militates against the expediency of making the Collector a Magistrate, still stronger does it hold against that Officer being the sole Magistrate of the District.

48. If the Magisterial functions be taken away from the office of Zilla Judge, if that officer has not the power of punishing for affrays arising under his own eye within the verge of his court, all respect to his station will be lost and the Judicial supremacy will be destroyed.

49. As regards abuse of power it may be said that appeal will be open for Civil damages to parties aggrieved by any act of Police officers, but this is not enough; Police officers guilty of aggression or irregular acts, should be liable to Criminal prosecution, to be carried on before the Magistrate and Court of Circuit, and to personal punishment as a public offence.

50. The Judge should continue to hold the sole Magisterial powers, and the direct issue of his warrant should be admitted at the town where the court is situated, without passing thro' the Superintendent of Police. The charge of the Jail is sufficient of itself to render the direct authority over the Police and its officers within the limit of the town indispensable in the hands of the Judge and Magistrate; nor would this at all interfere with the Village Police system, for all towns where Zilla Courts are situated are too extensive for the operation of that system, and separate establishments are necessarily maintained.

51. Altho' all charges of crimes and offences would, in regular course, be brought first to the Superintendent of Police or his Assistant acting under his orders, yet an appeal should still be open to the Magistrate in all cases where the Superintendent neglected to proceed, or improperly dismissed a complaint, or where there existed other sufficient reason for bringing the charge direct before the Magistrate all process in the Criminal side, and all orders to Police officers arising from such appeal or charge passing thro' the Superintendent of Police.

52. In transferring the superintendence of Police to the Collectors, the objects I understand to be, 1st, to enable them to keep the peace of the country by means of the Municipal officers of the village, 2nd, to preclude the necessity of such officers receiving orders from any other authority and thereby being disturbed in the execution of Revenue duties.

53. It is not, I conclude, intended to make Police or the administration of the Criminal law subservient to the collection of revenue, to vest in the Collector such a degree of overwhelming authority as will enable him to dictate the terms of cultivation, to infringe on the personal liberty, and the free exercise of the labour of the ryot, and extort by an organized system of compulsion, a revenue beyond the natural result of voluntary engagement; and, if my conclusion be correct, the charge of the Police confers all legitimate means of

giving full energy to the Revenue system, but, when we consider that the charge and control and the means of employing Police involve, in the first instance, the actual exercise of the whole Civil powers of the country, when we consider how that power has been formerly used in the administration of Revenue, it will hardly be disputed that it is a charge not to be safely trusted without an independent authority at hand to listen to complaints against its abuse. If indeed the Permanent settlement had been generally made, or even village rents on a long lease, my argument would lose much of its force; the Collector's revenue dealings would in such case, be confined to a higher order of natives, less likely to suffer from mistaken views of his powers, but, where the Collector and his servants as in a Ryotwar settlement, come once a year in direct collision with every ryot in the country, the stocks and the rattan ought not certainly to be admitted as appendages to his office.

54. The question of the transfer of Police to the Collector underwent the serious consideration of the first Police Committee, and was recommended only on the faith that the Collector, not being a Magistrate, could not abuse it; even this transfer has been objected to by the Supreme Government as a departure from the fundamental principles of the present constitution of Government. I do not consider the transfer of Police to be such a departure, because I consider the Police to be an executive, not a judicial duty, the abuse of which can be guarded against, in the same way as the executive duty of Revenue, by the Magisterial powers being in other hands; but the transfer of Magisterial duties to Collectors, also, I do certainly think must involve a departure from the fundamental principles of our Government, a departure that may go far to counteract the benefit of the Judicial system, by arming the executive with too much power, and lessening that faith and confidence the people now begin to feel in the protection of the Judicial department. In addition to the general arguments above stated, there exist other causes more immediate and direct against Collectors holding the full powers of Magistrates of districts; namely that the existing Regulations declare certain offences against the Revenue laws punishable by the Magistrate, as in Regulation I of 1808 and I of 1812, the Revenues in question must either lose the benefit of these provisions, or the Collector, in his capacity of Magistrate, must decide in the case in which he, as a Revenue officer, is directly concerned: this argument will gain further strength probably, on the enactment of a Regulation for the prevention of fraud and embezzlement of Revenue officers under the general restoration of the Ryotwar Settlement: for without some law for the punishment of acts of bribery and corruption, done with a view to defraud the Government by concealing cultivation &ca., under that system, it appears to me the interests of Government in the hands of a host of native servants cannot be preserved.

55. Connected with the subject of Police it may be necessary to remark that the sea-ports, where no Magistrates or Collectors reside, require particular notice: those ports are, like all sea-ports in the world, crowded with the most disorderly class of people, Europeans, half caste, British subjects and foreigners of all descriptions run from their ships on shore while their vessels are repairing. It is absolutely necessary that some Public officer of Government should have the means of exercising a certain degree of control over them; the Police powers might be vested, at such places, with the Commercial Resident or Master Attendant, acting under control of the Resident; their powers, within certain limits, the Port and environs, would be in all respects, the same as that to be exercised by Collectors as Superintendents of Police, the Commercial Resident should also have power of taking up, or warning to depart, all unlicensed British subjects, quitting their ships, according to the late act; considering the great influx of foreigners that may be expected in consequence of the restoration of peace, the necessity of a well organized system of Police at the sea-ports must be obvious.

56. Before I close the subject of Police I must observe that I consider it a branch of our system that ought to be under the direct knowledge and inspection of the Executive Government as a distinct department; placed under Magistrates the control verges away to Courts of Circuit and Foujdarry as a part of the

Judicial department. Superintendents of Police should in this branch correspond direct with Government; policy requires that Government should have the means of obtaining direct information of internal transactions that can come to their knowledge only thro' the means of an active and vigilant Police. In placing the the Police under the Government, it will be held in mind that Police, according to my view of it, involves only the maintenance of the peace as far as it depends on the discovery and apprehension of criminals, that the application of the law in the trial and punishment rests exclusively with the Judicial authorities.

57. In the discussion of Police it seems proper to correct a very erroneous impression that appears to be entertained regarding the expense, such indeed is the more necessary as the error has been adopted by two of the military authorities quoted by the Hon'ble Court. Colonel Wilks speaks of the new establishments of Police on which large sums have been unnecessarily expended. Colonel Wilkes had not the means of obtaining accurate information on the point he was discussing; the real sum exclusively applied to the maintenance of Police is not one-fifth of that appropriated under the ancient system; the Cavelly Russooms, fees, free lands in various parts of the country, amounted to little less than one fifth of the Revenue, most of them have been resumed by Government, which by Regulation, took upon itself the performance of Police duties; in some accounts of districts resumptions have been kept, and the original amount of Police charges may still be traced; in others they have been incorporated with the aggregate revenue and are no longer distinguishable. The views of the late Police Committee having been principally directed to economical arrangements, and the employment of the ancient municipal officers of Police having been an admitted part of the intended system, an attempt was made to trace the lands, fees &ca resumed, as well as those still resumable for Police purposes: from the best information procurable it appeared that the whole sum ascertained to have been resumed, still resumable and available for Police purposes, amounted to Pagodas 3,70,473 * per annum, while the whole actual Police establishment amounted to 196,737-22-54, the above was by the Committee proposed to be reduced to 123,442-22-40. From the sum of 3,70,473 deduction must of course be made for the support of the Poligars and peons unfit to serve, but, money, or service, Government have a right to require, an arrangement similar to that which took place in the Jaghire is necessary; minute enquiry and investigation was recommended to be conducted by the Collectors under the authority of the Board of Revenue, but that duty now devolves on the Commission, to whom all Police reports have been transferred, and I consider it to be the essential object of their appointment; the reduction was intended by the Committee to be made by the abolition of tannah stations, and the substitution of Head inhabitants in their places. The Talliary establishment, the efficient part of the system having been found to have fallen into decay, many Talliars having little more than 3 rupees per annum, it was recommended to make up the allowance to 3 rupees per month, and this increase is provided for within the proposed 123,442—22—40. I confess it appears to me very doubtful whether this charge can be further reduced. Under the system proposed of employing the Revenue Amildars as Darogahs, some expenses may be saved, but it must be

Vide Appendix A with their proceedings of the second Police Committee, held at Madras, January 1814.

* A more correct statement of actual resumptions has been furnished by the report of the Board of Revenue, 21st December 1815, received 6th January 1816, entered on the latter part of this minute. It may be necessary to remark that the arrangements for reductions here proposed were suspended in consequence of the whole subject devolving to the Commission, of which Coll. Munro is President.

Result by second Police Committee.

Total available resources for Police funds by account		...	3,70,473
Present establishments		...	1,96,737
			1,73,736
Difference between actual ...	... 1,96,737		
and			
Proposed	... 1,23,442 difference 73,295		
	Surplus by this account	...	2,47,031

recollected that in districts permanently settled there are no Amildars, and substitutes must be paid for, unless when it may be deemed safe to employ the Zemindars, but very few I apprehend will be found fit to be trusted. It must be recollected also, that the addition to the Amildar's establishment will be necessary, or rather the re-transfer of part originally attached to him and now employed by the Darogah ; in like manner the Mauniums formerly held by the Head inhabitants in settled countries, which were included in the assets of the Zemindaries, must now be restored to them and a proportionate remission must be made to the Zemindar; Government having formerly taken upon itself the execution of Police duties, assumed the lands allowed to a certain class for its support, the duty being now returned to the Head inhabitants, so probably must their Mauniums or free lands ;* whether a charge of 1,23,442 for keeping the peace of a country yielding a gross revenue of 1,17,00,000 pagodas be excessive, I cannot judge, for it is comparison alone that can decide the question.

58. It has also been remarked by Colonel Munro that, "by reverting to the "Village institutions, an expensive Police, which has been formed within these few "years, might be saved," but in reality the extensive Police establishment alluded to was not then in existence, and has been formed only lately and may be considered as temporary. A general system of Police is yet a desideratum in the code; it is only in the Jaghire that such is established, when the charge was amply met by resumptions of Cavelly Russooms; and in other Districts, the introduction of the Darogah system has been partial only and temporary, for we are still discussing the question of its eligibility ; but it is clear the charges are far within the resources available, and the execution of Police has, in fact, tho' not in law, depended on the Village Municipality. It must be recollected also, in judging of expense, that while the Police was under the Collectors, large Sibbendy establishments were kept up and paid out of the Revenue, and entered as a Revenue charge. In the Northern Circars, for example, there were generally four Sibbendy or Revenue Battalions kept up, involving an expense of upwards of 50,000 pagodas; excepting 400 at Ganjam, the whole of these corps have now been reduced, and the whole Police charge of the Northern Circars as proposed by the Committee, amounts to 20,844, Guntoor being in the arrangement included in the Zilla of Masulipatam. The note ¶ at the bottom will shew the actual Police charges, from the year 1790 to 1814. The heavy charges for 1804, 5, 6, 7 did not arise from regular Police establishment, but an ill-judged mode of repelling irruptions of banditti from the Nizam's country. Two noted freebooters, Timrauze and Vencatrow had been plundering the country for many years, taking refuge when pursued beyond the limits of our territories. Bodies of peons were hired at an enormous expense under the Magistrate, and to little purpose; these disturbances were at last terminated, as they might have been at first, by regular Military force, and Political arrangement; the consent of the Nizam was obtained for the crossing of his boundary, the plunderers were caught on his territories; one was executed, the other banished: many of their followers have been brought to justice before the Courts of Circuit. The Police including contingencies for the latter years does not exceed pagodas 25,000.

59. The fact is that the former Police expenses were included in Revenue charges as Sibbendy, and the present amount (reduced as it has been) being now brought to account as a Judicial charge under the head of Police, has led to that most erroneous idea, published by Colonels Wilks and Munro, that the charge is a new and distinct one arising out of the Judicial system; whereas, in fact, it is the mere transfer of a very small part of the sum originally expended

* A correct investigation and report on these points is essentially required from the Commission.

¶ ——	1790-91	1791-92	1792-93	1793-94	1794-95	1795-96	1796-97	1797-98	1798-99	1799-800	1800-1	1801-
Police and Sibbendy of the N. Circars.	53,0[illegible]1	70,747	14,358	3,414	33,212	55,207	50,715	45,146	55,499	64,975	70,260	65,868
	1802-3	1803-4	1804-5	1805-6	1806-7	1807-8	1808-9	1809-10	1810-11	1811-12	1812-13	1813-14
	53,000	64,586	70,215	79,224	90,378	70,624	43,189	31,128	41,872	27,809	23,007	24,264

by Government in the attempt to keep the peace of the country. I say the attempt, for a comparison between the present and past state of the country, will fully justify the term while the whole authority, both Revenue and Judicial, was vested in the Collector; while that authority was backed and supported by immense establishments of armed Sibbendy the country displayed one continued scene of turbulence and confusion; Zemindars and Poligars, insulted or aggrieved by Dubashes and Cutcherry servants, deprived of all means of representing their grievance except thro' the spurious channel from whence the grievances proceeded, had no resource but flying to arms as the certain mode of procuring for them the notice of Government, and plundered the country in all directions; compromise and pardon were too often thus obtained. Fixed rules and a settled system have since taken place of the wavering policy of individual opinion. While the Civil Courts of Justice are open to hear every grievance committed by public officers of Government or by Zemindars, the Criminal Courts have gone their regular circuits; and under defined rules and before the eyes of the people, offenders have been tried and brought to punishment.

60. The people begin to see the benefit of protection; the blind adherence to their Zemindars that used to bring hundreds of armed men against the Government is removed, the scene of plunder and violence no longer exists, and the country has gradually assumed the settled form of Civil Government. The advantages, therefore, contemplated only by the Hon'ble Court in the reduction of Police corps have in reality taken place. That commotions in some of the wild parts of the country do occasionally arise must be admitted, but such, adverting to the natural circumstances of those hilly regions, cannot be avoided.

61. Whether it was politic or expedient to place the savage inhabitants of the mountains under the jurisdiction of courts of justice was certainly questionable; where the circumstances of the country are such as not to admit of even a military force acting in certain seasons, subjection and obedience to Civil process by unarmed peons could hardly be expected; the Zemindars of those countries might have been useful tributaries, but it was thought doubtful if they could ever be made good subjects: an arrangement for tribute and an agreement to keep the peace of their own country and give up offenders seemed to many all that should have been required.

62. In the year 1802, the date of the introduction of the Judicial system, this reasoning was used, and I confess was by myself considered applicable to all the Hill Zemindaries of the Northern Circars. It has not in practice been confirmed to the full extent; those inconveniences that many anticipated have not been produced and it is notorious that the inhabitants of those countries have improved much in order and civilization, by the gradual abolition of the personal influence of the Zemindars; of this the late events in the Gumsoor Zemindary afford a demonstration, from 1798 to 1800, the Zemindar of that district found employment for two battalions of sepoys, plundered the country with some thousand armed men at his command; his son, in resisting the process of the Magistrate on charges of murder and various enormities, was abandoned on the proclamation of the Court, and obliged to surrender himself without the possibility of resistance. To a very few districts, the reasoning perhaps still applies, and even to those in a limited degree; and we must rely on the prudence of the Judge and Magistrate in not wantonly committing his authority to risk of contempt by too abrupt execution, too scrupulous an adherence to fixed form; so few however are the districts in question that no solid argument can be adduced against the general system as applicable to all other parts of the country.

63. The foregoing paragraph may appear a digression from the subject regularly before us; it is one however highly necessary to enter into, because the misapplication of authority and power of punishment, given in the Criminal side, towards executive objects, is alike fatal to the security of the subject as the abuse of Civil jurisdiction; the separation of Executive and Judicial, Civil or Criminal, forms the radical principle from which all the good has proceeded, and which must never be lost sight of in any new arrangements.

64. With respect to the vesting certain powers in the Zilla Judge on the Criminal side, or as I should express it, extending the powers of the Magistrates of Zillas, it will be seen that by sec. XII, Regulation IV, A.D. 1811, they already possess nearly those powers, the difference is only 20 rattans in corporal punishment and 6 months imprisonment in addition to a fine of 200 rupees; 6 months imprisonment, by the existing rule, being held equivalent to the fine of 200 rupees; there does not appear any objection to this extension; it may relieve the Courts of Circuit from the trial of petty offences.

65. I cannot see any necessity or advantage in associating the Collector with the Magistrate or Zilla Judge at quarterly sessions; such is unnecessary, the regular Courts of Circuit never failing in the completion of their circuits.

66. Against the execution of Criminal sentences by Courts of Circuit without reference to the Sudder Court, strong objections may be urged, the life of the prisoner might in many cases be affected. I believe it to be an established principle to give the prisoner the benefit of legal flaw or informality; this advantage they might lose by direct execution; several cases occurred before myself on circuit, exactly applicable; on these occasions prisoners were found guilty and Kissas declared by the Law Officer with the Court of Circuit; of the guilt of the prisoners I entertained no doubt, and under execution without reference they must have suffered, the cases were referred, and the Law Officers of the Sudder and Foujdarry Adalet objected to the legality of the evidence, and acquitted the prisoner, of their guilt there was no doubt, but they escaped under a different construction of the Mahomedan Law of Evidence; the Regulations require reference *against* the prisoner when the Futvah acquits him and the Judge disagrees and considers it contrary to reason and justice; it seems right therefore on the side of mercy to give the prisoner the benefit of the law opinion of the officers of the Chief Court, when that of the Cauzees or Muftee on Circuit is against him.

67. As to the process of a Criminal trial, nothing certainly can be more simple, the Judge reads and considers the depositions taken before the Magistrate, and puts the prisoner on his trial; the arraignment or indictment is read to him, when he pleads not guilty, which may be considered almost a matter of course, the Prosecutor is examined and his witnesses cross-questioned by the Judge, the Law Officer and the prisoner, the defence is heard and the prisoner's witnesses examined; the evidence is considered by the Judge and Law Officer, and the latter declares, first the conviction or acquittal, by the evidence according to the Mahomedan Law, second, if convicted, the legal punishment for the offence. The Judge applies the notifications directed by the Regulations, and if the punishment exceed 14 years imprisonment and labour, he refers to the Sudder Adalet. The record in such cases transmitted may be shortened by omitting copies of the summonses, warrants and recognizances which are now written in full in three languages. It must be the duty of the Magistrate to attend to these forms and of the Judge on circuit to see that they are attended to; but they need not swell the record, the proceedings before the Magistrates, depositions of witnesses and parties, the Futvah and sentence are all that are required to enable the Sudder Court to judge of the case.

I find the practice has of late discontinued.

68. The only point which remains for discussion is that which relates to the enforcement of the Puttah Regulation. The Hon'ble Court remark that the superintendence of this matter naturally falls to the Collector in his Magisterial capacity. A Puttah is to all intents and purposes a Civil contract; it is an engagement between Zemindar and ryot for the occupancy and cultivation of a given portion of land, founded on established right of the occupant ryot or if no such right exists, on voluntary engagement. It cannot to my conception come under the Criminal jurisdiction of the country, no personal penalty or liability to punishment is incurred by the breach of the Puttah Regulation. It cannot therefore be a subject cognizable by a Magistrate but by a court of Civil jurisdiction. The question may be considered as one entirely of a Revenue nature; the non-delivery of Puttahs has frequently become the subject of animadversion, but in fact the non-delivery is as often the fault of the ryot as of the Zemindar; natives often wish to avoid the formality and precision of a written agreement, in some cases they are omitted because custom and usage has defined the terms of

occupancy so clearly as to admit of no dispute; particularly when the settlement is made with the whole village community, and not with individual ryots, and the latter is the prevalent practice in Zemindars districts; ryots are however by the existing Regulations free to demand a Puttah, and Zemindars are compelled to grant them, ryots refusing to exchange Muchilikas, the corresponding engagements are liable to be ousted of possession; but, as it must be obvious that the tender of the Puttah by the one and the Muchilika by the other would be a nugatory precision, unless the terms were defined in case of dispute, sec: IX therefore directs, that in case of disputes the rule be determined by that prevailing the year before the permanent settlement; the objection is that the Zemindar possesses the power of ousting the ryots in the first instance, thereby throwing upon him the *onus prosequendi* which he cannot bear. A Zemindar moderately assessed may pay his rent, altho' the cultivation of the ryot be lost, but the ryot losing occupancy of his land is ruined; there should certainly therefore be some prompt interposing authority to prevent abuse of this power, and this authority might be exercised by vesting summary Judicial power in the Collector; the ryot deprived should have the means of appeal to authority against undue ejectment. If the Collector consider the Muchilika tendered to be conformable to established rule, the ryot will be maintained in possession, if otherwise, dispossessed, leaving either of the parties, as the case may be, to go in appeal to the court if he objects to the decision of the Collector, that decision being reversible only by regular suit.

69. Regarding distraint, it was I believe found at Bengal that when the Zemindars had not the power of distraint they could not realize their revenue, and when it was given them the ryots are said to have been oppressed by its exercise; the object must therefore be to continue a power essentially necessary for the realization of just demands, but at the same time to afford prompt and efficient means of guarding against abuse of it, and here certainly the authority of the Collector may be most usefully employed; but he must exercise it by summary Judicial process and not Magisterial. On distraint of effects, the ryot should have power to appeal to the Collector before the sale, the Collector should himself or by means of his Assistant, examine the Puttah on which the claim is founded, and ascertain if the arrear be due, and either permit the sale to proceed or by an order to that effect release the goods distrained, leaving the ryot in the former case the Zemindar in the latter, to apply to the court by regular suit, if either be dissatisfied; a Regulation totally prohibiting on any occasion the distraint without the order of the Collector, might cause unnecessary delay and give much useless trouble, since it is only cases of disputed arrears that require his intervention.

70. The decision of boundary disputes is another branch intended by the Hon'ble Court, to be conducted by the Collector aided by a Punchayet. The Regulation framed by the Commission to give effect to that intention makes the decision of the second Punchayet (the first decision being disallowed for corruption) final. A disputed boundary may involve landed property to a great extent, and I confess I cannot see why parties interested should not have the benefit of appeal to the courts as in other suits, admitting the case to be cognizable, as in the two preceding by the Collector in the first instance, and decision passed under his authority to be reversible only by regular appeal to the superior courts, according to the amount value at issue, liable of course to the common rules of appeal. The great importance attached by the Hon'ble Court to this part of the subject arises probably from the state of things in the Bengal Provinces; tracts of country, never surveyed and waste, were transferred in permanency by name, but without known limits; in proportions as these lands have acquired value by cultivation they have come into dispute; a correct survey is after all the best mode of preventing disputes. It defines limits and leaves no cause for contention.

71. I shall conclude these remarks by reference to the consideration of the expense of the Judicial department. That the charge is great must be admitted, but great also is the object for which it is expended, the administration of justice and the maintenance of peace in so extensive a territory. It must be observed also that considerable reductions of revenue charges took place on the institution

Amounting last official year to Pags. 8,91,039-43-77

of the courts, Collectorates were united, Assistant Collectors discontinued and transfers of servants made; of these however generally no distinct account has been kept, they cannot therefore be correctly stated, with exception to those of a Police nature mentioned under its proper head and shewn to have been more than provided for from its proper funds. When the introduction of the Judicial system was first agitated, the permanent settlement of the land revenue was considered its concomitant arrangement, and a saving of charges, collection was calculated on by that means; the arrangement generally speaking, may be said to have taken effect only in the Northern Circars; and then a reference to aggregate receipts and charges, Judicial included, will prove that the reasonings of those employed in its introduction have been perfectly correct, as far as regards security of Revenue; annexed is the abstract of receipts and charges of the Northern Circars 12 years before and 12 years after the permanent settlement and Judicial system. It is proper to mention however, that in the report of the Board of Revenue of 3rd September 1799 and in various other documents relating to the introduction and establishment of the Courts of Judicature, certain new taxes are projected to meet the expense, particularly duties on arrack, beetel and a monopoly of salt. The latter of which has since been successfully introduced, and which, with other receipts purely of a Judicial nature now amounts to pagodas 10,05,640-15-21.

Memorandum of Judicial charges.

Sudder Adalet ...		51,737- 2-23
Civil Courts ...		1,82,941- 7- 0
Zilla Courts ...		4,30,526-14-54
		6,65,204-23-77
Police ...		2,25,835-20- 0
Total ...		8,91,039-43-77
Salt monopoly-nett receipts ...	6,44,275-17-15	
Stamps ...	93,481-28-13	
		7,37,757- 0-28

Judicial receipts.

Fees ...	29,058-14-67		
Fines ...	11,864- 3-12		
Refund of charges.	10,666- 8-76		
Total ...		51,588-26-75	2,67,883-14-73
Police receipts by Magistrates...	2,128-32-23		
Police lands assumed ...	214,168- 0- 0		
Total ...	2,16,294 32-78 [Sic.]		
			10,05,640-15-21

72. I am aware it may be said that the Revenue derived from the three first sources is not of necessity connected with the Judicial system and might have been collected, altho' that system had never been established. They compose however great additional impositions on the people, salt in particular having been raised by the monopoly from 3 to 30 pagodas per garce, in consideration of which the public at large may surely be admitted to be entitled to a more regular administration of justice and even at a greater expense than formerly.

73. One of these items of receipt, stamps, now amounting to Pagodas 93,481-28-13, is levied in the province only, a considerable increase of revenue might be derived by extending the operation of the Regulation for its collection within the limits of the Supreme Court, for this an act of the Legislature would be required, to preclude the admission of receipts, bonds or other obligations, as valid instruments except on stamped paper; I am not aware of any objection that could be urged against the measure, the tax would fall on the mercantile and monied

interest at the Presidency which under the Indian system of revenue in reality contributes nothing for the signal protection they enjoy, and all the benefits of regular courts of justice maintained at so great an expense.

XII—Minute by the Hon'ble Mr. Fullerton, dated 1st March 1816.

[*In Judicial Cons: dated* 8-3-1816.]

In the preceding minute I have given my opinion founded entirely on my own experience and observation in the course of service. It was written before I had the means of perusing any of the reports from the Judicial Department, the only papers submitted to Government previous to its conclusion were the reports of the Collectors on the transfer of the Police, sent up as they came in, by the Board of Revenue, and at the close, the report of that Board itself on the same subject. None of those papers appear to require from me any particular remark.

2. The opinion of the Board of Revenue coincides with mine, that the transfer to the Collectors of the whole functions of Magistrates would be unadvisable, as imposing on them more labour than they could well perform, that the superintendence of Police might with advantage be made over provided the two are susceptible of separation; that they are so I trust I have already proved; on this part of the subject, the transfer of Police to Collectors, I have nothing to add to my previous observations.

3. The report of the Sudder Adalet on the Regulations proposed by the Commission is now before the Government which I have attentively considered.

4. The Commissioners were appointed to carry into execution the modifications directed and suggested by the Hon'ble Court of Directors, the preparation of the Regulations for that purpose became the first duty of their office, and in conformity to the established system of Government, it was necessary to transmit them thro' the Sudder Adalet, in order that they might undergo the revision of that Court and be recorded in the Judicial Department.

5. In submitting the Regulations thro' the channel of the Sudder Adalet, the object on this, as on all other similar cases, was not to alter the substantial provisions directed by superior authority, but to amend informalities, to prevent contradiction, and incongruities, to see that the necessary revisions and amendments of old provisions affected were made, so that the new might stand in the general code of Regulations. The duty which, it must be presumed, that Court from practice and experience must be more qualified correctly to perform than the Executive Officers of Government in other departments.

6. In considering the report now before us I cannot but express my regret to find from the minute of the third Judge that there has not existed that cordial cooperation between him and the first and second Judges of the Sudder Court, the expectation of which led to the nomination of Mr. Stratton to the joint office of Judge and Commissioner; for altho' the draft proposed by the Commissioner, like many other drafts, on their first preparation, contains irregularities of expressions and want of arrangement which required correction, still it appears to me that misunderstanding might have been explained, and many trifling errors might have been rectified and further discussion in a certain degree rendered unnecessary. In the shape however in which those proceedings have come before Government, another reference to the Commission has become indispensible, and until their reply is received and considered, Government can proceed no further.

7. The draft proposed by the Sudder Court being, in respect to form and compilation, more correspondent with judicial precision should be preferred and the Regulations forthwith prepared for promulgation with such alteration in substance as Government may in their judgment deem fit; for the explanation of my ideas on this point, I beg leave to refer to the accompanying paper (A). It is unnecessary to enter into particulars here; the alteration will be found to correspond with the reasonings and arguments I have already used. Independently however of mere forms of enactment the Sudder Adalet have entered into discussion at some length on the general tendency of the alterations directed, which seem to me to require observation.

8. The arguments of the Sudder Adalet may be divided thus: first, as relating to the general incompatibility of the office of Potail and Village Judge, secondly, the objections to vesting that office in renters and their servants, and generally as to absence of oaths and forms. Their reasoning is founded on general principles, and in that view is unanswerable. If we are in this case to be guided by general principles, the whole system must be abandoned.

9. But it must be recollected we are proceeding on avowed deviation from those principles in search of a practical good: our object is to administer speedy and and summary justice on petty disputes to the lower order of the people, without expense to them and without additional charge to Government. The selection of Heads of villages as Judges is the only one within our reach, without additional expense, and the dispensation with form as far as possible affords the only means of bringing into operation the speedy administration of justice; the appointment of regular Native Judges would defeat the end of economy, and the application of general principles and establishment of regular forms would defeat the expectation of speedy justice. We are proceeding much on the same ground on which are established Courts of conscience in other countries, Courts which act without regular form, record or appeal; presuming that when the amount at issue is so small the benefit of celerity of decision predominates over regularity of form and consequent delay. If the native character were such as to authorize our trusting them with such a summary and uncontrolled administration of justice, forms would in this case be unnecessary; as we cannot entirely banish form, we must reduce it, as far as we can do it with safety, preserving it only when indispensible to oppose check and control the tendency to abuse. We are endeavouring to call into action the ancient institutions of the country on the presumption that the vigilant eye of European superintendence, and the confidence reposed by natives in appealing to it will divest the system of those evils and inconveniencies that did certainly accompany it where no such superintendence existed. It is on this ground, but not on general principles, that I concur with the Sudder Adalet in thinking the Regulations proposed by the Commission to be incomplete; they have not sufficiently opened the channel of appeal to admit of the salutary operation of control. It is on this ground that I consider the appeal, not on the merits of the suit only, but on the whole form of proceeding, should be open, not to another native, the District Munsif, but to the European Judge. The Munsif in the summoning of Punchayets and other functions acts ministerially, a certain rule and mode of proceeding is laid down for him, but without responsibility to abide by that rule of what use are its provisions? If the decisions under his authority are reversible only on their merits and corruption alone is to bring him before the Zilla Court, a wide field is open for abuse; he might for example appoint the whole Punchayet of the caste of one of the parties, fine 10 rupees instead of 5, and confine weeks instead of days; without appeal against such acts, where is the security to the people against the annoyance thus placed in his power? The oath may indeed be dispensed with, but the liability to prosecution not for corruption only, but for all acts *wilfully done contrary to Regulation whereby any person may be aggrieved*, is indispensable for the due maintenance of that degree of superintendence contemplated by the Hon'ble Court. In considering complaints against Village Munsifs, Zilla Judges should act on the same principles that actuate the Courts in England where Justices of Peace are concerned. Due allowance must be made for inadvertent error in form, and penalty enforced only for wilful perversions and injustice.

10. These remarks I mean to apply only to the observation of the Sudder Court as they relate to the Potail, Naidu, Reddy, or constitutioned Head inhabitants. In so much as they relate to the powers of Munsif being vested in renters, or servants of renters (not being Head inhabitants) I cannot but agree with them entirely. It never could have been in the contemplation of the Hon'ble Court that such a description of people should be employed in the administration of justice. The whole of the arguments of the Hon'ble Court are founded on the ancient institutions of the country, they embrace only the hereditary officers of the village, such officers being renters does not disqualify them for the office of Munsif, altho' the junction of the two was not in contemplation of the Hon'ble

Court, and they have disapproved of the Revenue arrangement that united them; but if the renters under the Collectors in unsettled districts (not being Head inhabitant) are objectionable, how much more so must be the renters under Zemindars, and as the Sudder Court justly style them their hireling servants. The terms used by the Commission in their draft are general, and much latitude is left with the Collectors for selection and I confess it did not occur to me until reading the proceedings of the Sudder Court that the Commission contemplated making the renters under Zemindars the Munsifs. I do not consider that the mere renting of the village destroys the office or even affects the Mauniums, or fees of the Potail, any more than it annuls the right of occupancy on the Mirasy inhabitants; because therefore a village is rented, it does not follow that the Head inhabitant is disqualified from being Munsif, for the Head inhabitant is still the person whom the Village officers will obey. I am aware that in some villages decennially rented, the Potail's Inam is in part transferred to the strange renter, the emoluments are taken away and the functions of the office transferred by a direct act of authority; and in those villages certainly a difficulty, unforeseen by the Hon'ble Court, presents itself; but it is one that I must say, with regret, arises not certainly against orders, for orders come too late, but in contradiction to their intention and I am afraid against right; I doubt if Government ought not to restore to the Potail the emoluments and the exercise of his office, and rather compromise with the renter than persist in an arrangement of doubtful legality, and in direct contradiction to the orders of the Hon'ble Court, and which contravenes the system of judicature directed by them. To conclude this part of the subject, I object to vesting the power of Munsif in any person not being the Head inhabitant of a village because such delegation of authority is not sanctioned by the orders of the Hon'ble Court; their directions are founded on the presumption of every village having its Head inhabitant, and if it be found, that in any district such a personage does not exist it must follow that the system is not applicable to that district, and ought not to be abruptly introduced. In all districts where I have ever been, there does, to my knowledge, exist such a description; the doubts I have heard started in other places gave rise to the impression I have often expressed that a very strict enquiry as to persons to fill the office in all districts should precede the general promulgation of the Regulation. Before Government sanction a Legislative enactment vesting certain powers in a certain description of persons, they should be satisfied by some thing stronger than tradition, by local enquiry and report, that such are in existence as described.

11. In the present stage of the proceedings of the Commission it appears to me to be highly desirable that a precise and distinct line should be laid down by Government for their guidance and the following I consider to be the course they ought to pursue. A minute investigation ought to be made by them on all the points connected with the new arrangements in every district.

12. The number of villages and the requisite number of Munsifs and Heads of Village Police should be ascertained; their general character and mode of remuneration, whether they still continue to hold the Mauniem understood to have been originally attached to the office of Head inhabitant and lastly, whether any and what means are necessary to ensure to them adequate reward for the labour expected, the same enquiries are necessary in respect to the Village watcher, the efficient part of the Police establishment; it is unreasonable to expect labour without adequate recompense, and if such be not publicly allowed, it will be derived from undue and unauthorized exactions from Civil suitors, or by compromise with offenders.

13. It may perhaps be found that in some districts Head inhabitants acted without fee or Inam, it may perhaps be argued that they will act so again; but it will probably be found that the motive of former action has the benefit of the irregular influence derived; and that the expectation of the same benefit is the motive for future action.

14. Another point of the utmost importance must be attended to, which can only be done with effect by the Commissioners, and may, in some districts, require investigation in person, vizt. a minute scrutiny into the right of occupancy of all

lands held free, or at a low rent, supposed to have been granted for Police purposes. A distinct report should be submitted on this subject, with the recommendation of the Commission to take legal means for obtaining possession of the lands, or of calling on the occupants to perform the service under which the lands are held. It is understood that Mocassa and Cuttoobuddy lands in the Northern Circars have been excluded from the assets of the Zemindaries at the time of the permanent settlement, and the holders have never yet been called on to perform, under Government, the services for which they were granted; but still continue to consider themselves the servants of the Zemindars; the above being the only source from which funds can be drawn to support the regular Police establishment, I consider the investigation to be one of the most important parts of the duty of the Commissioners. Adverting to the known zeal and ability of the first Commissioner, the opportunity of availing ourselves of his services on this occasion ought not to be missed. Having ascertained those points and brought into action the Municipal Village Police, the Commission should endeavour to reduce the regular stipendiary Police establishments when they have been fully introduced, and place them under charge of the Collector, and if it be determined to promulgate the new Regulations without further reference to the Supreme Government, the period of promulgation should be left with the Commission; they should be printed in English and in the native languages and published in each district whenever the Commission satisfy Government that the persons directed by the Hon'ble Court as the instruments for conducting the system are in their places, and that the necessary preparatory arrangements are made; for it must be recollected that serious difficulties may arise by the too precipitate introduction of new forms, and that errors on the outset produce confusion not easily rectified.

Enclosure A.

[Referred to in para. 7 of the minute.]

Remarks on Proceedings of the Sudder Adalet.

REGULATION I.—Title.

The title proposed by the Sudder Court may be adopted. It is certainly more appropriate.

Preamble. The words "to restore to the Heads of villages and Curnams the consideration they formerly derived from the decision of such suits" may as well be omitted

Section III.

The intention of the Hon'ble Court certainly was, that the power should be exercised by the Head man of the village, the Potail, Peddacaupoo, Reddy, or under whatever name they go by, in different parts, and by him only; in so far as the decennial settlement has removed the original and heriditary Head of the village, and put in a stranger as renter, and in some cases transferred the Potailee Inam, the intention of the Court cannot be fully carried into effect without restoring the Potail; a measure which must be considered. Where Potails are renters, nothing militates against the plan, but renters not being Potails or Head inhabitants, cannot be employed consistently with the orders of the Hon'ble Court. Those orders are founded on the presumption that there are Head inhabitants in every village. If that presumption prove erroneous in any district it follows that the system is inapplicable to that district, and cannot be enforced for want of instruments; but in all countries where I have ever been, the description of people does exist and if as asserted they exist every where, there can be no need of substitutes, which we are not authorized to introduce; the vesting of authority in the Head inhabitants in Zemindars' countries might be useful in opposing some check to the Zemindars' exactions on the villagers, but what would be the effect of putting it into the hands of the renters; such a measure would be ruinous in the extreme but this section, as it stands, warrants that very measure. The authorized Munsifs should be registered in the Zilla Court, lists being furnished by the Collector.

Section IV.

The oath does not appear to be requisite, it might deter from undertaking the duty. Munsifs are of course bound to adhere to rule laid down for their guidance.

Section V.

This section is certainly objectionable, it declares an exemption from all responsibility. They ought certainly to be held responsible for all acts done contrary to the regulation. Justice is the end, form of process the means. The error in judgment on merits affects only one party, error or abuse in process affects the whole course—the whole system; a vigilant eye

should be kept over forms by the Zilla Court, and its superintendence can be exercised only by open appeal to it against irregularity of form. Munsifs have extensive powers without responsibility as to process they might, put all the members of a punchayet of the caste of one of the parties, fine 10 rupees instead of 5 or confine weeks for days; the Commission will no doubt see the necessity of inserting the proposed clause.

SECTION VII.

The remarks on this section apply generally to the code as regards the occupancy or possession of land, and the defect should be supplied by a general Regulation defining the nature of the property and the mode to be observed in calculating its value; it would be better certainly to exclude land entirely from the cognizance of the Village Munsifs. The lands described in the latter part of the remarks "Service Mauniems" can hardly under the Regulations of the Commission be litigated in the Munsifs Courts; they are all themselves interested in the discussion as Potails or renters; the subject however requires the consideration of the Commission.

SECTION VIII.

It is certainly better to limit the jurisdiction to suits of two years' origin, instead of twelve, in respect to the Village Munsif, leaving all between 2 and 12 to the District Munsif.

SECTION X.

A verbal alteration does not require remark; the Sudder Court being used to legal precision are of course most competent to decide on the compilation of the provisions.

SECTION XII.

A provision may be inserted in the Curnams Regulation making this a part of his duty and subjecting him to dismission on proof of refusal before the Zilla Court. It does not appear to me that the duty will be such as to embarrass the Curnam or interfere with other Revenue duties. It is in fact a duty that he must have been doing for ages past.

SECTION XIII.

The Sudder Court object to a verbal summons; the 3rd Judge to a written one because the party to receive it cannot be supposed able to read. It might be amended thus, that the verbal message should contain the name of the plaintiff, amount of suit and day of attendance. It does not require any great stretch of intellect for the Village Talliar to tell Ramasawmy "that Venketty has complained to the Munsif about 8 rupees the price of a bullock and that he must come to answer to it on Monday morning"; the summons may if necessary be repeated when the time arrives; this arrangement neither requires writing nor immediate appearance without knowing the cause, the Talliar may take the opportunity of delivering his message before witnesses which will afford the proof.

SECTION XV.

A verbal alteration which may be amended.

SECTION XVI.

The objections here urged are easily removed, allow five days from the day fixed for appearance and 3 callings; the verbal notice above described will prepare the defendant and it will not be difficult for the Talliar to repeat his message before witnesses so as to establish the notoriety of the summons; the reasoning of the Sudder Court is perfectly just as applied to the administration of justice on a great scale, but the strict forms may be dispensed in cases limited in amount and locality.

SECTIONS XVII AND XVIII.

The Razeenamah may be delivered to both parties, that is, to each a copy, and may be kept with the Munsif; certainly the reading of the plaint should be the first process, if parties do not agree and defendant requires it, five days may be allowed him to answer.

Clause III.—Decisions founded merely on oaths of parties interested are certainly in a moral point of view to be avoided, as having a tendency to encourage perjury. The simple allegations of parties with vouchers and evidence of witnesses on oath, are more to be depended upon and less objectionable, but if parties are to be examined on oath, the mode prescribed in sec. vi, Regulation III, A.D. 1802 should be observed.

SECTION XIX.

The remarks on sec. xiii apply to this verbal summons and fixed period will remove all objections; the section should stand as it is.

Clause III.—The remarks of the Sudder Court on the impropriety of dictating the precise quantum of evidence are correct, four may be too many and may be too few, but the Munsif may and ought to refuse generally to record the evidence of useless witnesses, noting the

refusal on his proceeding, but the administration of oath after deposing, because the Munsif may think the party is not speaking true, is certainly calculated to entrap the witness. I will be better to administer the oath at first, or go on without it entirely.

SECTION XXI.

The word 'received' is written by mistake for "revived."

SECTION XXII.

The remark of the Sudder Court is correct but this section involves a provision, in the substance of which I have entirely disagreed; all appeals against Village Munsif should go direct to the Judge, but particularly against error or irregularity of form; he cannot otherwise control or superintend (as he ought, and as the Court of Directors entered), the administration of justice by the inferior judicatories.

SECTION XXIII.

To the fine of half a rupee, I see no objection, the authority of the Munsif must be preserved, and the sum is so small as to warrant the deviation from general principle; a fine of 5 rupees is however a large sum in relation to those from whom it may be levied; it amounts to half the limited jurisdiction of the Munsif. If this amount is to stand it must be levied thro' the Zilla Judge, but I should think it better to equalize it, make it half a rupee recoverable by the Munsif.

SECTION XXIV.

The evil here described would be avoided by allowing some latitude as to time.

Clause II.—Requires specification, the opposite party should see the interrogatories, and if necessary add his own questions.

Clause III.—Does not require remark, the intention of the Commission seems clear enough.

SECTION XXV.

The power here granted to the Munsifs seems to me to be indispensable; the flagrant abuse of it will become cognizable by the Zilla Court under the general rule of responsibility proposed to be inserted.

SECTION XXVII.

The alteration proposed may be adopted, but the non-insertion of provision for mentioning names of parties can hardly be called an omission, it is a matter of course so obvious that it is not provided for in Regulation III of A.D. 1802. It is impossible indeed to write a decree without it. I see no objection to the levying costs in litigious suits as far as half a rupee.

SECTION XXIX.

The decree can acquire no validity by the countersignature proposed, and if the provision stands, means of enforcing it must be added. It had better be omitted, as well as the transmission of copy to the District Munsif. It would be required only in case of appeal, but on the principle I adopt no such appeal can be made.

Clause II.—This provision drops with the preceding, the material may be mentioned but specific provision is unnecessary, the abuse becomes cognizable under the general rule of responsibility proposed to be inserted.

SECTION XXX.

Having stated my opinion that the appeal should go direct to the Zilla Court the provision should be altered accordingly; the institution fee would on that case be levied by the Judge.

SECTION XXXI.

Unnecessary under my system of appeal.

SECTION XXXII.

Right, but should be made a rule for the Judge in trying appeals.

SECTION XXXVI.

I cannot see how dismission can be avoided. It is impossible to continue a person acting as a Judge who has been proved guilty of corruption; a profit is understood to attach to the Head inhabitant derived from mauniem land, the dismission must be considered a punishment. If indeed no gain is attached to the office, the correct discharge of the duty is quite hopeless, the forfeiture of a favourable rent lost by misconduct would operate as a punishment. It is however the junction of the Revenue and Judicial functions that is here inconvenient; but some means must be found to reconcile them without the manifest impropriety of continuing a corrupt Munsif in office.

SECTION XXXVII.

The remarks of the Sudder Court on this section involve the following material question, whether Munsifs are to enforce personal arrest and confinement, in satisfaction of their decrees. Village Munsifs are to enforce decrees when it can be done without seizure and sale

of property which can be made only by District Munsif; but even he has no power of arresting or confining. It seems therefore not to have been the intention of the Commission that personal restraint should be resorted to under the decision in the Munsif's Court; as far as relates to suits of and under 10 rupees, the Munsifs direct jurisdiction, I agree with them that the seizure of property ought to be the utmost process, the arrest and confinement of debtors for so small amount would only open the door for the gratification of personal revenge, for the mere maintenance of the debtor would in a very short time equal the debt. I do not think the Village Munsif would infer a right to confine parties as surmised by the Sudder Court; the exception specified in secs. xxiii and xxv precludes such an inference. It appears to me that the Village Munsif should himself enforce his decrees to the extent of seizure and sale under 10 rupees, deferring execution and taking security in cases of appeal to Zilla Judge or taking security, if enforced, from the other parts.

Section XXXVIII.

The remarks of the Sudder Court on this section appears to me to be perfectly correct, if the principle of enforcement is to stand the relative powers of all to be employed must be much more clearly defined; but as regards suits of and under 10 rupees the preceding observation of mine applies. If the direct enforcement be executed by the Village Munsif, all confusion will be avoided. As relates to suits above 10 rupees, I shall remark under section xlii the consideration of this and the preceding section goes to confirm my opinion that all appeals should go from the Village Munsif to the Zilla Judge and that all acts relating to the Village Munsifs requiring exercise of superior authority should be done by Zilla Court and not by another native authority for if otherwise there will arise either an endless scene of dispute and confusion or else conspiracy and collusion.

N.B.—Might not the Village Munsif's decision be final to 10 rupees on the merits, an appeal cognizable only in cases of corruption, or *prima facie* evidence of *gross* partiality.

Section XL.

I am aware of the general objections but I do not think the reasoning applies to the limited jurisdiction of Village Munsifs, the object of those petty courts is to relieve the superior judicatories, exemption from fees is the proper inducement to go to them.

Section XLII.

The only part of this section that occurs to me as requiring remark is the want of a provision for enforcing the decree.

Section XLIII.

The specification of appeals to the Zilla Court in cases of partiality and corruption may be inserted, but the right of appeal is involved in the term used by the Commissioner; the decision should be enforced, in sums to an amount beyond 10 rupees by distraint and arrest, but thro' the Zilla Court as are now executed decrees of Native Commissioners.

Section XLIV.

The exposition should be obtained from the Zilla Court direct. I do not see any advantage in carrying it through the District Munsifs.

Section XLV.

On the same ground mentioned under section xl, I do not think stampt paper should be required at all. If they are, the limitation suggested must be inserted.

Sections XLVI and XLVII.

All those reports should go direct to the Zilla Judge and not to the District Munsif.

REGULATION II—Title.

A very long remark by the Sudder Court: instead of "to try by Punchayet" read "submit for trial by Punchayet" and nothing more need be said.

Preamble. May be amended so as to remove the implication complained of.

Section II.

The words "under this Regulation" may be inserted and the public officer to furnish the Regulation may be specified.

All other parts of the remark on this Regulation go to the new modelling the Regulation retaining the substance of the Commission's provision.

REGULATION III.

Preamble. The mention of Sudder Ameen may be omitted.

Section II.

As above.

SECTION V.

Omit *'vice versa.'*

SECTION XI.

Will be remedied by the general modification in the valuation of land.

SECTION XII.

The amendment is more correctly expressed.

SECTION XIV.

The alteration proposed seems unobjectionable.

SECTION XV.

It will certainly be better to restrict the retrospective operations to a few years.

SECTION XIX.

Does not require any remark.

SECTION XX.

I agree with the Commission that the formality is not absolutely necessary; there is no objection to inserting the provision for proving the serving of the summons, provided the declaration of the party serving it be taken.

SECTION XXII.

Answered in the preceding.

SECTION XXIV.

The restriction against abuse of authority must not be carried too far; so far as to prevent the Munsif doing his duty efficiently the power here objected to seems to me absolutely necessary for the administration of justice, a mere report of the circumstances of the case to the Judge would not answer the ends of justice, for the property might be made away with in the mean time, while the Munsif is liable to prosecution for abuse of authority there seems no necessity for imposing an inconvenient shackle in the exercise of his functions; the authority cannot be said to be uncontrolled while liable in every occasion to be called in question by any person supposing himself aggrieved by it.

SECTION XXVI.

I do not agree with the Sudder Court in their remarks. I think all may be fully stated in the plaint and answer. The pleading may be amplified too much; in attempting too much all is lost.

SECTION XXXII.

There appears a contradiction between clause iii and section liii but it is rectified in the Sudder Court's edition, the power of levying the fines should of course be vested in the Munsif. Every Court should have power of maintaining its own authority being responsible to a superior tribunal for abuse of that authority; to withhold such power for fear of abuse is to render the Court useless and inefficient, and the requisition of authority of a Superior Court to enforce punishment for contempt in the lower one completely destroys the end in view. The execution *of a decree* by sale of property is quite a different process while the amount is large and the suit is appealable.

SECTION XXXIII.

There is certainly an oversight in respect to this section and clause ii, sec. xxiv of Regulation I; the application should go thro' the Zilla Judge and so I imagine the Commission meant it to go.

SECTION XXXIV.

Require no remark.

SECTION XXXV.

As above.

SECTION XXXVII.

The limitation of witnesses is inadmissible. It would only create more appeals to the Zilla Court but as the object must be to prevent the filing of unnecessary evidence, a fee might be levied on all examinations beyond four, which would have the effect of checking voluminous record without absolutely excluding evidence which the party might consider necessary.

SECTION XXXVIII.

Requires no remark.

SECTION XLVI.

Does not require remark on the point referred to by the Sudder Court, on the principle of appeals which I consider correct; every suitor should have the benefit of a double hearing; on this ground all suits tried at *origine* by the District Munsif should have an appeal.

N.B. if above 10 rupees certainly, if the native courts could be trusted with finality of decision as far as 10 rupees it would be a great relief, the same suggestion occur as at sec. xxxviii Reg: I.

SECTION XLVII.

Does not require remark.

SECTION LIII

Remark under xxxii applies

SECTION LV.

Requires no remark.

SECTION LIX.

The reason for making defendant pay the half of the institution [fee] is certainly not apparent.

SECTION LX.

Does not require remarks.

REGULATION IV.

SECTION IV.

The remark of the Sudder Court carries weight with it, to subject the party applying for a Punchayet to a fee is not the way to encourage appeals to them. It had better be altered and if a fee is levied at all it should be levied from the plaintiff without reference to the mode of adjudications.

SECTIONS XXVII, XXVIII AND XXIX.

I rather think it was intended that the members of the Punchayet should as well as witnesses receive batta daily, they may otherwise be subjected to great inconvenience, the batta to the Punchayet should of course be levied from both parties equally, the loser at last making up to the winner his previous payments but this unavoidable in itself, will operate against Punchayet adjudication, for the parties will thus be subjected to a cost they avoid by direct decision of Munsif, perhaps it would be better as a counterpoise to exempt suits referred to Punchayets from fees, leaving them liable only to unavoidable charges of batta. I prefer therefore the Sudder Court's draft.

REGULATION V.

In respect to this Regulation, I must observe that it is not one belonging to the duties of the Commission; it is not included in the modifications which they were directed to introduce, the appointment of the Law Officers of the Provincial Court; can add but two in each division to the number of Sudder Ameens; and adverting to the important duties they have to perform, it would be better that they should be kept clear from the direct administration of justice, particularly as the duty must in a certain degree render them subordinate to the Zilla Courts; the appointment of Sudder Ameens is not one of those contemplated by the Hon'ble Court; the expediency of such a judicatory with powers of decision as far as 300 is a question for the consideration of the Sudder Adalet. It seems to turn on the following point whether the number of causes between 200 and 500 are such as to render assistance necessary to the Register to whom causes of that amount are now referrible. The propriety of the Regulation, and its provisions if deemed proper, should be left to the Sudder Court.

REGULATION VI.

Does not require any notice except in regard to the decision of the second Punchayet, being final without reservation as to partiality and corruption, the provision is as necessary in the second case as the first; I am not aware of the object of this Regulation. I cannot see what good can result from it. I have known a boundary dispute between Zemindaries involve annual produce to the extent of 14,000 rupees; the village A belongs to B and the village C belongs to D, the dispute between A and C involves the rights of B and D; I do not understand why this property should be denied appeal to Courts of Justice more than other lands disputed. It is ordered by the Hon'ble Court, so it must stand.

POLICE REGULATION VII.

SECTION I.

The Commission may supply the defect generally "as soon as the operation of the system of Police here described shall in the judgment of Government admit of it."

SECTION IX.

The meaning of the Commission's draft is clear and further explained in Mr. Stratton's minute.

SECTION XII.

A caution or provision may be inserted, limiting the punishment to certain descriptions.

SECTION XIII.

The power seems necessary for the ends of justice. The powers of the Village Police officer would not be efficient without it, the general provisions for redress against abuse of power will guard against the evil contemplated.

SECTION XIV.

As above.

SECTION XV.

The object is provided for in sec. x of the Sudder Court's draft.

SECTION XVII.

Requires no particular remark.

SECTION XVIII.

This clause should be omitted here and made a part of the duty of the Munsif.

SECTION XX.

It does not seem absolutely necessary that the Tahsildar should proceed to the inquest unless on the spot, the duty may be done as well by the Headman of the village.

SECTION XXV.

The propriety of the provision is admitted; the remark applies to the financial arrangement; in many places the Village watchers are sufficiently paid, in many they have less than three rupees per annum, the duty required by Regulation is exactly what they now perform, without adequate remuneration the duty cannot be expected to be well performed; this is a point for investigation and report by the Commission, the proper addition must be made when allowances are insufficient.

SECTION XXXII.

Ameens of Police are only Cutwalls of towns too large for the Headman to superintend.

SECTION XXXIV.

The Cutwall's establishment will of course be transferred if the establishment of the Collector in the Revenue department be inefficient. Power may be granted to employ Revenue servants in Police indiscriminately.

SECTION XXXV.

The remark here contemplates the interposition of the Magistrate in matters and details of Police, belonging to the Superintendent of Police. The Superintendent of Police must be the Magistrate quo-ad all matters of Police, the system here adopted transfers to the Collectors some part of the functions of the Magistrate, which he can conveniently perform, and leaves others as they are. I cannot understand why the name of Magistrate is of necessity to carry with it all the powers now attached to it, they may be separated with advantage.

SECTION XL.

The Tahsildar must of course send in such witnesses as a summary enquiry may point out as knowing and able to depose to the circumstances of the case. The Tahsildar in his Police capacity is exactly a Darogah and exercises all the powers.

SECTION XLIV.

In petty cases I think the limitations should be absolute: three months afford quite time enough surely.

SECTION XLV.

Twenty-four hours in the stocks if successively may be the death of a man by keeping him out all night in the cold and the rain, some restriction is certainly required and even in section xii for 12 hours at a time may be too much; the same provision as there stated is also required respecting persons to be subjected to this ignominious punishment; but I should prefer making these offences liable to punishment by confinement or fine even as far as 5 rupees or 10 days.*

SECTION XLVII.

The duty here described is one of the Magisterial functions appertaining to the Superintendent of Police. It is to the Collector of the district, to which the fugitive may be followed and apprehended, that he should be brought up, and not to the Magistrate proper.

SECTION L.

The question of employing Zemindars in Police has often been discussed and different opinions are entertained. My own opinion is that some may be employed with great advantage and others not to be trusted. All that the Regulation can do is to leave power to Collectors to employ them where they can be entrusted with such authority, but their jurisdiction cannot, without danger of quarrelling and confusion, be extended beyond their own Zemindaries.

SECTION LI.

Vide xxxii. But as to the inhabitants supporting the expense I understand it to be done in Tanjore—this is a financial question for the Commission to discuss; an assessment on houses where, as in Tanjore, warranted by usage may be very proper, but in some towns it

* I cannot reconcile to myself the propriety of entrusting the use of such an engine to such a personage as a Revenue Tahsildar.

would excite general resistance, as in Bengal or rather Benares where such a Regulation was of necessity rescinded. A town duty or tax in consumption would be preferable if it be thought requisite than the inhabitants should maintain their own Police.

SECTION LIII.

I see no objection to the section standing as a caution against abrupt and unnecessary calls on the Police Officers, the proviso "unless absolutely necessary" is sufficient guard for the defence of the prisoners; of the necessity the Judicial officer (Magistrate or Judge of Circuit's opinion) will determine.

SECTION LIV.

I agree with the Sudder Adalet that the limitation of three months should be absolute.

SECTION LV.

The section is certainly incomplete, an obligatory provision should be added to bring the parties so detained before the Head inhabitant or Tahsildar; the mode of proceeding by them in such case is already laid down.

SECTION LVIII.

I have already observed that certain powers now exercised by Magistrates must be held also by Collectors as Superintendents of Police. The mere term Magistrate does not necessarily involve all the duties now attached to Magistrate, some part can be done with advantage by the Collector and some by those now executing them; we are to separate the Magisterial powers to the best advantage, all connected with Police function go to the Collector; all property magisterial involving trial and punishment, preparation of calendar and record, remain as at present. The expediency of vesting the Collector with the powers here described is not to rest abstractedly on the question of calling him the Magistrate or not, but whether the powers are necessary to enable him to perform the functions assigned him. In so far as the maintenance of the peace depends on the speedy apprehension of offenders dispersion of mobs, gangs and disturbers of the peace, it is the duty of the Collector superintending the Police thro' the instrumentality of which their apprehension can alone be effected; and if we suppose contingencies where the means of Police are inadequate, others must be resorted to and the most obvious in such cases is Military force called for under the responsibility of the Public servant calling for it, celerity in such cases is essential where riots, mobs and gangs appear too strong for the common Police to over-power; the sooner they are put down the better, but as the power goes no further than the dispersion of the mob the seizure of the rioters and abettors, and the placing of them before the regular Magistrate, I can see no objection to the power being given to the Collector and if the name is of any importance he may be called Police Magistrate.

SECTION LXI.

To this section also some of the foregoing reasoning applies: the Collector must of course proceed on informations and by means of his Police officers cause the apprehension of the accused, I contemplated only a summary enquiry and not any recorded proceedings. If the Collector should see no reason for believing the accused guilty, it would be a useless act to send him to the Judge. If a prisoner were considered by him so far guilty as to warrant his being put on his trial, he might indeed go thro' the course of record directed, and sending his proceedings to the Magistrate at once commit the prisoner for trial, this was the line suggested by the first Police Committee. That Committee did not vest in the Collector the power of punishment, and reasoned on the power of commitment; thus that it could not be abused because all acts done under it would pass under revision of a superior court; but there appears to me this objection to the direct duty of commitment by Collectors the investigation and record will take up much time. It will go to the Court of Circuit and the Sudder Foujdary Adalet. It will subject the Collector's proceedings to the remarks and animadversions of those Courts and lead perhaps to discussions that will still further abstract the attention of the Collector from his other duties; upon the whole therefore it seems to me better to leave all matters requiring judicial formality, record and proceeding to the regular Magistrate, to leave the question of direct punishment of crimes or commitment to the superior court to his decision. The Collector may, when he sees fit, authorize the Tahsildars to send prisoners and witness direct to the Magistrate; some latitude should be left to the Collector in this respect.

SECTION LXIV.

Theft is a crime, and must go to the regular Magistrate for punishment. It requires that species of punishment the regular Magistrate only can inflict.

SECTION LXXIII.

I concur with the Sudder Adalet in thinking this section objectionable. It involves a declaration of right in which the Collector is no way concerned, the case is provided for in Regulation XXXII of 1802, a riot or breach of the peace constitutes an offence cognizable by the Collector in which he may interfere, but the possession should always be left where it was.

SECTION LXXVI.

The standard should be published for reference in case of dispute.

SECTION LXXVIII.

I agree with the Sudder Court.

SECTION LXXIX.

This remark presumes that the Collector must either be the only Magistrate or no Magistrate at all. "If the Collector be Magistrate no one else can give an order to the Police officer; so there is no occasion for the section. If he be not Magistrate there can be no objection to the Magistrate issuing his warrant to any and all concerned." The essential point of the whole system is here involved, the subordinate officers of Police are Revenue Servants and the Collector as the head of them—we make the Collector Police Master in order that the subordinate may act only under one Master. If direct orders are allowed to be given to the Police, *i.e.*, the Revenue authorities, they will be under two masters and the object of the system is completely destroyed; there is a decided objection to orders going direct to the Police officers from the Magistrate. I can see no good reason against the order going to the Superintendent of Police first. If absent, his Assistant does the duty; and they must adapt their movements to the duties they have to perform.

SECTION LXXX.

An oath of office must be taken.

The foregoing contains the observations that occur to me on the Sudder Court's remarks but there are some sections unnoticed by them that require some thing to be said.

SECTION LII.

This duty could be done better at Nagore, Narsapoor and Coringa by the Commercial Resident, his powers being within certain limits the same as that of the Collector.

SECTION LXII.

Authorizes punishment by the Collector on the mere reading of the proceedings held before the Tasildar without personal examination which is not correct.

SECTION LXIII.

The punishment in the power of the Collector is confined to imprisonment for seven days and fine of 10 rupees. I think the first might be extended to 20 days, the latter to 20 rupees.

The following general observations occur to me. I think on reflection Police Magistrate would be a better definition than Superintendent of Police, and the preamble should state the transfer not "of the Police alone" but of such part of the Magisterial powers as are necessary to enable the Collector to superintend the Police.

The powers over Police as it now stands should be reserved to the Magistrates at the town or within four miles of the Zilla Court.

The general principle of the Regulation is to place the whole Police establishment under the Collector authorizing them to take cognizance of misdemeanours, to punish by fine and imprisonment, and to send crimes to the Magistrates. I do not object to the use of the stocks by the Heads of villages they have to do with the lower orders and they are less likely to misapply the power. Besides the powers to be here exercised by Heads of villages being on the Police Department and subject to the visitations of the Collectors, the Heads of the department do not require the observance of so much caution as those of a civil nature in which abuse is cognizable only by the regular courts.

XIII—JUDICIAL CONSULTATION, DATED 17TH MAY 1816.

(1)

Letter—From the Commission for revising the Judicial systems.
To—The Chief Secretary to the Government of Fort St. George.
Dated—Fort St. George, the 20th April 1816.

We have the honor to acknowledge the receipt of Mr. Secretary Hill's letter dated the 1st March, transmitting for our consideration and report a copy of the proceedings of the Sudder and Foujdary Adalet on the Regulations laid before the Right Hon'ble the Governor in Council with our letter of the 15th July last, and also the redrafts of those Regulations therein referred to and recommending to our particular attention the arrangement proposed by the Sudder Adalet in the drafts of our Regulations.

2. We have carefully considered the Sudder Adalet's proceedings and redrafts, and in conformity to the desire of the Right Hon'ble the Governor in Council, we have given a particular attention to their proposed arrangement of

the provisions contained in our drafts. As we had no predilection either for the form or for the provisions of these drafts farther than as they seemed to be well calculated to answer the purposes for which they were intended, we have in the accompanying revised Regulations adopted the arrangement and the language of the Sudder Adalet where they were thought better than our own, and we have also at their suggestion omitted some clauses and added others, wherever we were satisfied that the change would be useful; but in every instance where we were convinced that their alterations were in opposition to what we conceived to be the essential principles of the Regulations in question, or were in any way likely to impair their efficiency, we have adhered to our original drafts.

3. It could not be expected that our drafts embracing so many and in a great measure such new objects should be free from error. We conceived that it was the intention of Government in referring them to the Sudder Adalet, that every error should be removed. But on an examination of the redrafts of the Sudder Adalet of the two first Regulations only, we have noticed several errors of which a list is given in the appendix No. 1.

4. In order to furnish a clear and connected view of the material points in which the revised drafts differ from the original drafts, as well as from those of the Sudder Adalet, it will be advisable to go through them in succession, noticing each deviation as it occurs and assigning the reasons which have induced us to adopt or to reject the supposed amendment. It is not our design to make any answer to the criticisms of the Sudder Adalet on our verbal errors or omissions, or to their arguments drawn from an interpretation of the sense of some clauses, which we do not think are supported by the obvious meaning of the words. It will be sufficient that our explanations extend to such matters as are of real importance.

The Village Moonsif Regulation.

5. The first Regulation to be considered is that of the Village Moonsif. The most material points of difference between the revised and original draft of this Regulation, lie in our having taken away from the Moonsif his jurisdiction in suits for real property and made his decision final in all cases of personal property not exceeding ten rupees. The Sudder Adalet have shewn the inconvenience likely to arise from the Village Moonsif exercising a jurisdiction in real property. They have remarked that cases of inheritance must be referred to the opinion of the Law officer of the Zilla Court; that the Village Moonsifs were not competent to make those references in such a form as would enable him to declare the law on the particular points to which its application was required, and that his time would be unprofitably occupied in unravelling a multiplicity of ill-stated cases.

6. We have yielded to these arguments; not that we apprehend that many of these cases, but that some, might come before the Zilla Judge. There are very few landed properties of so small a nature as that to which the Moonsif's jurisdiction is limited; of these few, at least nineteen in twenty, are Hindoo; and the Hindoo Laws of inheritance are so simple as to be as well understood by the Heads of villages as by the Pundits of the Courts. But as the Mahomedan laws of inheritance and succession are intricate, some cases of Mahomedan landed property might require reference to the Zilla Court, and we think that more inconvenience would be occasioned by bringing the Village Moonsif into communication with that Court than by withdrawing from him all jurisdiction in matters of real property.

Vide Paras. 60 and 61, Court of Directors' Letter, 29th April 1814.

7. In depriving the Village Moonsif of jurisdiction in matters of real property, we have enlarged his jurisdiction in cases of personal property, by making his decisions which before were appealable, now final. This change appears to be consistent with the spirit of the orders of the Court of Directors, which recommend that the decisions of the Village Moonsif in all suits referred to him by the Zilla Judge should be final, because it is probable that most of these suits would be above ten rupees, as hardly any person would go so far for so small a sum; and though the Hon'ble

Court do not propose that the decisions of the Village Moonsif when acting on his own authority shall be final, yet as they recommend, that his referee decisions shall be final in cases of particular description, not exceeding in value an amount to be specified, and as this referee jurisdiction has not been given to him, the authority now proposed to be vested in him will not on the whole be greater than what was recommended by the Court. As his jurisdiction is limited to ten rupees, which is barely the price of the most common bullock or buffalo for the plough, we are convinced that the rendering his decisions final will be productive of great benefit to the inhabitants, and as they may be set aside for corruption, or gross partiality, as he is himself liable to prosecution for corruption, or any aggravated act of misconduct, and as the whole matter of dispute is within ten rupees, there can be no reasonable cause to fear that he will often be tempted to abuse his authority.

8. The Sudder Adalet have objected to the retrospective jurisdiction of twelve years given to the Village Moonsif by our original Regulations and suggested that the period should be limited to two years. Their objection to the term of twelve is, "that the effect of a like provision in regard to the Courts established by the Regulations of 1802, was to burden them with twelve years arrears of business which had accumulated under the defective institutions of the Native Governments." We adhere to our former opinion and have inserted the period of twelve years in our revised Regulation, because most of the petty suits which will come before the Village Moonsifs have originated since the establishment of the Zilla Courts and have been accumulating ever since from the difficulty and expense of trial being greater than the matter was worth; and because it is but just that our Judicial system should make provision for the discharge of arrears which it has itself been the means of accumulating. The Sudder Adalet seem to have had the same principle in view when they observe "that it could not have been deemed unjust had all the old causes been referred for decision to the institutions existing when the causes originated."

9. It is not likely that the proposed measure would throw any great load of business upon the Village Moonsif, for even if we suppose that the number of unsettled litigations amount to a hundred thousand, it will not on an average give more than two or three to each village; some villages might have none, others might have ten or twelve, but the whole would probably in every instance be disposed of in the course of a few months.

10. In our revised Regulation we adhere to our original draft in authorizing the Village Moonsif to send verbal summonses to parties and witnesses, instead of the written sommonses proposed in the Sudder Adalet's re-draft; our reasons are fully stated in Mr. Stratton's minute on the proceedings of the Court in which the inconvenience that would attend the use of written summonses in petty village suits is shewn. The objection urged by the Court "that the party will generally be ignorant of the cause for which he is summoned," is done away by the plaintiff or his vakeel being directed to accompany the village servant carrying the summons in order to explain the subject of it.

11. The Court express great apprehension that a verbal summons may not ensure "the communication to the party summoned of such information as may enable him to come before the Moonsif prepared to answer;" they suppose "that it will be carelessly delivered by an ignorant village servant" and doubt "whether a ready obedience can be expected to such a mandate," and they imagine that the attendance of the defendant "from his ignorance of the cause for which he is summoned, may be worse than useless by interrupting the progress of his labours for the subsistence of his family;" all the form and caution here recommended by the Sudder Adalet are very proper in the District and Zilla Courts, where the parties must be generally called from a great distance; but they are totally incompatible with the simplicity and despatch by which the Village Moonsifs should be governed and which are essential to the enabling them to act efficiently. It is to be recollected that no summons can take place unless both the plaintiff and the defendant are actually at the time present in the village; suppose that the party summoned does not come fully prepared to answer, there is no harm done; he may be told to get ready and to return at a time fixed; as

his house is probably within five or ten minutes walk of that of the Moonsif, all this process will hardly ever occupy an hour and very seldom so much ; and the interrupting the progress of his labours for the subsistence of his family for so short a time, is not likely to be felt by a person who is supposed by the existing Regulations to be able to spare time for several weeks or months attendance at the District or Zilla Court during the trial of his suit.

12. But were we even satisfied that written summonses would facilitate the decision of village suits, we would not recommend their adoption. Previous to the introduction of the Judicial Code, the inhabitants always obeyed and in general still obey without hesitation the verbal summons of the Head of the village, whatever may be the cause of his requiring their attendance. This ready obedience is extremely conducive and is indeed indispensable to the good management of the village. The use of written summonses would gradually teach the inhabitants to question every verbal order of the Head of the village and would spread a spirit of insubordination, the mischievous effects of which would be but poorly compensated by any trifling advantages which might be derived from such summonses in petty suits.

13. We conform to our original Regulation and differ from the re-draft of the Sudder Adalet in letting a suit to be decided by the oath of one party, when the opposite party agrees to abide by such oath. The Sudder Adalet suppose it to have been our intention to conform to section VI, Regulation III, 1802, which prescribes " that the Court shall examine the truth of the complaint, or claim by the " oaths of the parties, if they shall mutually consent to that mode of examination." It was not intended to conform to this section, but to a custom very common among the natives of determining with the consent of both parties the truth of a claim by the oath of one of them. If for instance in a claim of debt to be decided on the oath of one party, the defendant swear that he paid it, the plaintiff must relinquish his claim, or if the plaintiff swear that the debt has not been discharged, the defendant is bound to acknowledge it. The Sudder Adalet supposing that this construction may possibly be our meaning, observe that the determining of a question by the oath of one party, would be introducing a new principle into the code. To introduce a new principle into the code is precisely what we meant to do, because we are persuaded that the introduction of principles which are followed by the natives in the adjustment of their differences and which are respected by them will improve the code.

14. The Sudder Adalet think it " worthy of consideration whether the passing of decisions on the oath of a party unsupported by witnesses will not tend to encourage perjury." It does not appear very plain how perjury is to be promoted more by only one person swearing, than by two, or more swearing contrary to each other. The man who agrees to rest the truth of his claim on the oath of another, must have some confidence in his veracity. If he has not, he will follow the usual course of letting the matter be decided by the examination of witnesses. There are sometimes claims to which there are neither witnesses nor documents. These are settled among the natives by the oath of one party; but the cases which are most frequently decided in this way are those where the plaintiff is satisfied both of the justice of his claim and of the defendant's veracity. The oath is proposed for the purpose of shortening the litigation. The oath is also frequently resorted to by a party who finds himself wrong and likely to lose the suit and who thinks the only creditable way of getting out of it, is to abide by the oath of the opposite party. If this opening were not left, he would probably sometimes preserve and endeavour to gain his cause by suborning witnesses.

15. By our original Regulations the Village Moonsif was restrained from examining more than four witnesses on each side, when it was necessary to take the evidence in writing. In our revised Regulations, we conform to the redrafts of the Sudder Adalet, in leaving the number of witnesses unlimited. We have adopted this alteration not from thinking that in petty suits within ten rupees four witnesses on each side are not sufficient for every purpose of evidence but because having done away appeals from the Village Moonsif's decisions, it is no longer necessary for him to take written evidence, and oral evidence requiring little time,

we thought that the restriction on the number of witnesses might be given up without inconvenience.

16. The Sudder Adalet observe that the power given to the Village Moonsif of causing an oath to be administered to any witness when he thinks he is not giving his evidence correctly, " would be in effect to lay a snare for the unwary and to entrap a witness into perjury." We adhere to our original draft in leaving to the Village Moonsif the discretionary power of causing an oath to be administered. But in order to put the witness on his guard against perjury, we have provided in the revised Regulation that "the Village Moonsif shall previously to the examination of a witness inform him that he has authority to cause an oath to be administered to him, when he may think he is not giving his evidence correctly."

Para 27.

17. The Sudder Adalet have remarked that the power proposed to be vested in Village Moonsifs of levying the fines which they may impose, is a power which by all former enactments in the Madras Judicial Code can be exercised only through the intervention of the Zilla Judge. In our report dated the 15th July 1815, we have fully stated our reasons for this innovation; we see no cause to change our opinion of its expediency, but we have lessened the time of imprisonment which the Moonsif was authorized to order when fines were not paid from twenty-four to twelve hours.

Village Punchayet Regulation.

18. The revised Village Punchayet Regulation differs from the original draft in the following points. By the original Regulation, the Village Moonsif had compulsory power on the application of one party only to cause any suit not exceeding one hundred rupees to be tried by a Punchayet. In order to lessen the motives to corruption, this power is now taken from him and he is permitted to order a cause to be tried by a Punchayet only, where both parties agree to abide by its decision without appeal, and consequently there can now be no appeals under this Regulation.

19. By the original Regulation the Zilla Judge could annul the decision of the Punchayet when corruption or gross partiality was proved to his satisfaction. By the revised draft in cases of gross partiality proved to his satisfaction, he must refer his proceedings and opinion to the Provincial Court of appeal, who, if they concur in his Judgment, are authorized to annul the decision of the Punchayet. But in cases of corruption only, the Court cannot annul the decision, but the corrupt party is liable to prosecution. By the revised draft also when a decision is annulled for gross partiality, if the same decision be given in the same case by a second Punchayet, it is final.

20. Our reasons for these alterations may be given in a few words. It is essential to the rendering the Punchayet adequate to the useful purposes for which it is intended, that its decisions should not be set aside on slight grounds, and as men's opinions often differ widely with regard to what constitutes partiality, it has appeared to us advisable that in charges of partiality, the judgment of the Zilla Judge should be confirmed by that of the Provincial Court of appeal, before the decree of a Punchayet can be annulled. In Punchayets there may be a corruption of one or two members and the decision of the majority still be right. To make the decision liable to be annulled by the corruption of any one member, would afford too much facility to set it aside and would tend to encourage unfounded charges of corruption. If corruption has produced a partial decision, the charge of partiality on being proved will overturn the decision; if it has not produced a wrong decision, the corruption is liable to punishment on a prosecution. As decisions ought always to be final somewhere, we have thought that the best way of effecting this, was to render the decision of a second Punchayet, confirming that of a former one, final; for this Punchayet with the advantages of local enquiry joined to those of caste and language has at least as good means of forming a correct judgment on the merits of the case as a distant Provincial Court.

21. The Sudder Adalet in their re-draft have made a most important change in our original Regulation by making the greater Punchayet appointed by the Moonsif applicable to limited suits only, and the smaller Punchayet of five members chosen by the parties and Moonsif, applicable only to unlimited suits. We

have rejected this change and adhered to our former Regulation, because as stated in our report of the 15th July 1815, the members of the smaller Punchayet chosen by the parties are apt to become parties themselves, and because we are convinced that the leaving all the greater suits to this Punchayet would only tend to prevent their adjustment and to force the parties however unwilling to have recourse to the Zilla Courts.

Para. 8.

22. We have adhered to our original draft in leaving to the Punchayet the power of causing an oath to be administered to a witness when they think he is not giving his evidence correctly; but the Punchayet are, like the Village Moonsif, directed "to inform every witness previously to his examination", that they have such authority.

23. Our present District Moonsif Regulation, differs from our former one in some essential points; namely in not limiting the number of the witnesses and in extending the final decision of the Moonsif to twenty rupees. These modifications arise partly out of those made in the Village Moonsif Regulation. The restriction of the examination of witnesses to four on each side having been done away in that Regulation, has likewise been removed in all the others; and the decision of the Village Moonsif having been made final as far as ten rupees, it became expedient to extend the final jurisdiction of the District Moonsif from ten to twenty rupees, more especially as this last sum is nearer to the limitation of five pagodas recommended by the Hon'ble Court of Directors. This extension seemed also to be required for the purpose of expediting the process before the District Moonsif by enabling him to dispense with written depositions in all suits under twenty rupees, which is now the more necessary, in consequence of the limitation of the number of witnesses having been given up.

District Moonsif Regulation

Vide Letter of the 29th April 1814. Para. 70.

24. Our revised differs likewise from our original draft, in making the District Moonsif examine witnesses upon oath, in the mode of summoning defendants and witnesses employed in the preparation of salt and the Company's cloth investment, and in the pay of the District Moonsif.

25. By our first draft the District Moonsif examined a witness on oath only, when he saw reason to doubt his veracity; but on further consideration we have thought it advisable that he should examine all witnesses on oath, because as appeals lie from his decisions to the Zilla Court, where the witnesses must be examined on oath, it is better that he should follow the same rule.

26. The form of summoning persons employed in the preparation of salt and cloth for the Company thro' public officers under whom they are employed was inadvertently adopted from the Bengal Code in our first draft. But as no such form has been admitted into the Village Moonsif Regulation, or in the redraft of the same Regulation by the Sudder Adalet, as the range of the District Moonsif's jurisdiction is so narrow that those persons could not be called to any great distance from their homes, and as there is therefore no sufficient ground for making any distinction between them and the rest of the natives, we have rejected the distinction in the revised Regulation, more particularly as it will not affect the provisions of Regulation I of 1806 which will still be applicable to the proceedings of the Zilla Courts.

27. The allowing a salary to the District Moonsif which by our first draft was made conditional is rendered positive in the revised Regulation, because such a provision seemed to be necessary to encourage men of respectability to hold the appointment and to be more consistent with the instructions of the Court of Directors.

Vide Letter of the 29th April 1814, Para 69.

28. We have adopted the Sudder Adalet's definition of landed property which is rather an amplification than an alteration of the one hitherto in use; the Sudder Adalet in their remark on our Regulations, have given a description of the different kinds of property in land, and they have observed that the section does not describe correctly the nature of the property which is intended to be made subject to the cognizance of the Village Moonsif. The description of landed

property contained in our draft is taken from the Judicial Code. We were not creating any new kind of property; we were only proposing Regulation for those kinds which had long been in existence. We did not therefore think it necessary to look for a new definition, because that of the Code had been acted upon from its first introduction down to the present day without any apparent inconvenience. We were satisfied that it had been found sufficient to answer its object in practice and while this was the case we did not think there could be any urgent cause for seeking another. It is hardly possible to believe that had it occasioned any perplexity it would not have been represented by the subordinate Courts and long since corrected. It seems rather remarkable that the kind of landed property the most common of all others should not have been noticed or any provision made for the trial of claims to it by the Code. The explanation of this may perhaps be found in the subordinate courts having acted upon the original definition according to the extended construction now given to it by the Sudder Adalet.

District Punchayet Regulation.

29. The remarks which we have already made on the differences between the original and revised drafts of the Village Punchayet Regulation, are equally applicable to those of the District Punchayet. In this Regulation, the compulsive authority of District Moonsifs to refer suits for trial to Punchayets on the application of one party only is done away and the free use of both kinds of Punchayet in all cases is also adhered to in preference to the restriction adopted by the Sudder Adalet, of confining the trial of all unlimited suits to the Punchayet of five members.

30. The motives by which we were induced to do away the compulsory power of the District Moonsif in referring suits to the District Punchayet, were the expediency of assimilating the District and Village Punchayet Regulations, and the necessity of relieving the Zilla Courts from the appeals to which they would have been liable had the compulsory jurisdiction been continued.

Sudder Ameen Regulation.

31. We have restored the Sudder Ameen Regulation to the original state of our first draft. The Sudder Adalet in their redraft make the number of Sudder Ameens unlimited. We confine them to the Hindoo Law Officers of the Provincial and the Mahomedan and Hindoo Law Officers of the Zilla Courts, with the view of giving respectability to the office as well as of saving expense by employing only officers, already in the pay of the Company upon high salaries; and because it is supposed that those officers have both leisure and ability adequate to the discharge of all the business that is likely to come before them.

32. The Sudder Adalet refer the Sudder Ameen to upwards of twenty sections of the District Moonsif Regulation for his guidance, many of which are inapplicable; we adhere to our original plan of referring him to the whole Code, because this is conformable to the practice of the Regulations themselves; for in clause eleventh, section VI, Regulation XVI, 1802, the Native Commissioner is referred to the whole; because the Sudder Ameen being an officer of the Court, ought to follow exactly the same rules and forms as the Zilla Court, and because he is supposed from his situation to be acquainted (if any person is acquainted) with the whole code and he will of course whenever any change affecting the process of the Zilla Courts is introduced, be guided by it.

Boundary Dispute Regulation.

33. Our revised Boundary Dispute Regulation differs from the original draft in not limiting the Collector's jurisdiction to disputes between villages respecting their boundaries, but extending it to disputes regarding boundaries in the same village. We have made this extension, because though affrays are most likely to arise about village boundaries in which the honour and interest of the contending villages are supposed to be at stake, the letter of the Court of Directors, on a further consideration of its object, does not appear to limit the jurisdiction to village boundaries, and the Regulation to which it refers speaks of boundaries generally; because we conceive that all boundary disputes whatever can only be settled by local enquiry which can best be made under the Collector; because having taken away the jurisdiction of the Village Punchayet in suits for land, we deem it the more necessary to employ them in the settlement of boundary disputes, which are merely matters of fact, and of

Vide letter of the 29th April 1814, Para 109.

which their habits and residence on the spot render them the most competent judges, and because we are persuaded that much facility will be given to the adjustment of these suits and much relief be afforded to the Zilla Courts by the proposed measure.

34. In the revised we differ from the original Regulations in having adopted a part of the forms of process contained in the redraft of the Sudder Adalet. We differ also from the original in allowing the Collector to annul the decision of the Punchayet on proof of partiality but not of corruption, for the same reason for which the power of the Provincial Court in this respect has been limited as already explained, and likewise in making the decision of a second Punchayet confirming that of a former one final.

35. By this Regulation an authority not allowed to the Zilla Judge is given to the Collector of annulling decisions on proof of partiality, because the Collector by moving about the country and visiting the spot where the disputed boundary is, has ample means of obtaining accurate information.

Police Regulation.

36. In the revised Police Transfer Regulation, we have adhered in every material point to our first draft and have restored the sections rejected by the Sudder Adalet in their redraft. The section of this Regulation which authorizes the Collector, "when riotous assemblages are formed in consequence of disputes respecting the right of ploughing any particular fields to determine who shall plough them for the present in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek, is depending," is regarded as one which ought to be rejected from the Regulations of Government. They seem to think that the Collector is authorized by this section to transfer to any claimant lands which might have been cultivated for ages by one family in succession. They observe that this section cannot guard any right, cannot serve the purposes of justice, but may give a temporary success to injustice, and that the Hon'ble the Court of Directors could not have had such a result in contemplation. The Collector in the very first words of the section is "authorized to prevent the forcible occupation or seizure of lands or crops" and it is not therefore easy to see how he could without a breach of the Regulation, dispossess the ancient family of ages, or even the occupant of a single season. The provision is meant for a very common case; namely the disputes about the occupancy of sirkar lands lying waste or uncultivated and unoccupied and open to the first comer, when two or more persons having no previous right to such unoccupied land dispute who shall plough it, some provision seems to be necessary for the settlement of the difference; we have therefore enlarged and restored the section, because we conceive that it is required in order to follow up the instructions of the Court of Directors regarding the forcible seizure of lands and crops.

37. We adhere to our original Regulation and differ from the re-draft of the Sudder Adalet in dispensing with the use of stampt paper in complaints for petty offences to the Superintendent and Police Officers, because the Police being founded on the ancient usages of the country, there should be no unnecessary expense or form to impede the communication of the Superintendent with the inhabitants.

38. We differ also from our original Regulation in allowing the warrant of the Zilla Magistrate to go direct to all Police Officers within the limits of the village in which the Zilla Court is stationed; but in all other cases we adhere to our original Regulation in allowing no order to be issued to any Police Officer except by, or through, the Superintendent, both with the view of preventing the collision of authority alluded to by the Court of Directors, and of giving more efficiency to the Police by shewing the servants that they are under one head only.

39. We differ from the Sudder Adalet and adhere to our first draft in authorizing the Superintendent of Police to release persons brought before him charged with offences when he sees no ground for detaining them without recording any reason; because we think that to record his reasons for his conduct in all such cases can only serve to waste his time unprofitably and to accumulate useless records.

40. The Sudder Adalet observe that our not requiring an oath from the Collector or his Assistant shews an inattention to public obligations. We still however adhere to our first draft in not requiring these oaths for the reasons stated by Mr. Stratton in his minute. Because also we think it totally unnecessary to make the Collector take two oaths and because if his oath as Collector is not deemed sufficient, we think that it might easily be altered so as to make it answer both for the office of Collector and of Superintendent of Police.

41. Having now stated all the material points in which our revised differ either from our original Regulations, or from the redrafts of the Sudder Adalet, and given such explanations as appeared necessary, we proceed to offer a few observations in answer chiefly to the objections to the Village Moonsif Regulation brought forward by the Sudder Adalet at the end of their report.

General observations.

42. The first objection stated by the Sudder Adalet is that "the Commission in their first Regulation provide that the renter or collector of the rents, or revenue and not the Potail shall be the Moonsif, and this provision independently of its being directly at variance with the plan contemplated by the Hon'ble Court &ca." We have nowhere said that the renter or collector and not the Potail shall be the Moonsif, though the Sudder Adalet have frequently given this as our language. We do not say that the renter and not the Potail shall be the Moonsif, but that the Potail wherever he exists as Potail, shall be the Moonsif, and that the renter or collector shall be the Moonsif only when the Potail has been set aside and when the renter or collector himself does in reality act as Potail. A Potail who has not the village servants under his control and who does not collect the rents and direct the affairs of the village, is no longer Potail. The person who succeeds to these functions is the Potail. To constitute this person Moonsif involves no deviation from the plan contemplated by the Court of Directors. The Court know perfectly well that the village institutions varied more or less in every province, that in some they were extremely imperfect and that in many cases they had been broken up by our revenue systems, and the Potails set aside to make a way for renters. The Hon'ble Court propose that the Heads of villages by whatever name they may be designated, shall be invested with judicial powers, but where the former Heads of villages have been removed, they do not propose that these powers shall be withheld from their successors, merely because these successors may occasionally be men of different caste from or less respectability than their predecessors.

Vide Para. 34.

43. When a Potail has been removed to make room either for a renter, or a proprietor of the village, he sinks to the rank of the common ryots, whether his Inam be continued to him or be incorporated as it has been in some cases with the permanent settlement. To constitute him Moonsif would throw the affairs of the village into complete disorder and hinder both the distribution of justice and the realization of the revenue. He would exert all the influence of his new office to impede cultivation, and to encourage the ryots to withhold their rents in the hope of injuring the rival by whom he had been superseded, or of compelling him to give up the village. The Village servant when wanted by one party for Judicial, or Police affairs, would be called away by the other for those of Revenue and a collision of authority most detrimental to the country would be established. We are therefore of opinion that the person who collects the rents, directs the village servants, manages the public business, and in effect exercises all the functions of the Head of the village must be the Village Moonsif, whether he be the ancient Head or a new renter, proprietor, or agent.

44. But the adoption of this rule will not introduce so many strangers to the office of Village Moonsif as may at first sight be imagined; the decennial leases were ordered by Government to be made with the Head inhabitants of the villages; and this has with a few exceptions been done. In all the decennial lease districts therefore, as well as those out of lease, forming together by far the greater portion of the Madras territories, the ancient Heads of villages remain and become the Moonsifs. In those districts, where the permanent settlement has

been formed, a considerable number of the villages are the property of their ancient heads, and even where the villages have become the property of strangers, the old heads are still employed in many of them as managers by the new owners. In the districts still held under the permanent settlement by the greater Zemindars, the villages will in general continue in the hands of their ancient Potails, Reddies, or Head ryots, excepting where a portion of the Zemindary has been leased and then some of the villages will fall into the hands of new men. In all the districts under the permanent settlement, new Heads of villages have been established, where the proprietor being a stranger, resides in the village and directs its affairs; where the renter being a stranger, resides in the village and does the same; and where a stranger is employed by the proprietor or renter as manager. But the removals of the ancient Heads of villages produced by all these causes united, does not probably amount to one in twenty; and when it is considered that their places have often been supplied by respectable ryots or inhabitants of the same, or of some of the neighbouring villages, who are equally competent to the situation, there seems to be no just ground to apprehend any serious inconvenience from constituting the actual manager of the village, the Village Moonsif.

45. The Sudder Adalet remark that the renter who derives his profits from the labours of all the cultivating classes of the village, cannot be uninterested. But in answer to this it may be said that the office of renter does not necessarily prevent the Moonsif from doing justice between tenants; that there can be no great motive to corruption in suits of ten rupees, and of which not more than two or three may occur in the year; that if the ryots doubt his impartiality, they will ask a Punchayet, or apply to the District Moonsif, or Zilla Court; and that in many villages the lease is not held by one person, but by all the ryots or at least by all the better class of them jointly; and the Moonsif can therefore have no inducement to favour one at the expense of the other, still less say the Sudder Adalet "can impartiality be expected from the hireling employed to collect the dues of the Zemindars; he will too frequently, it is to be feared, make his profits by relaxations of his masters rights to be purchased by the cultivators, and the best customer will doubtless be most in favour with him." As far as regards the injury to the Zemindar, we imagine that he may very safely be left to take care of his own rights and that he would do so by removing his hireling agent. With respect to the injustice towards the ryots, it has already been stated that they can have recourse to other tribunals and that the Moonsif is liable on prosecution to fine and damages.

46. Another difficulty in the opinion of the Sudder Adalet is, that the situation of renter or collector of the rents is not permanent in one person; and in order to shew from how many incidents it is liable to change, they observe "that the very circumstances of a man's giving more attention to settling justly the differences of his neighbours, than to his own concerns might be the cause of his being ousted from the farm by virtue of which he exercised the judicial authority." This case of a Moonsif losing his office from an excessive love of justice, is certainly not provided for either in our original, or revised drafts, but his successor would probably take warning from his fate and thus remedy the evil complained of.

47. Another part of the Sudder Adalet's objection is that the farmer may fail and be removed and frequent changes of Moonsifs take place. These changes we believe will be few in comparison with the numbers that will not be changed and even where they occur, will not cause any material inconvenience. The office requires no great talents. Its jurisdiction is limited to ten rupees. The successor will probably be some principal ryot of the same or a neighbouring village, quite equal to the task of deciding two or three petty suits in a year. In villages where more suits arise, there will usually be found shop-keepers, weavers, and merchants capable of deciding by Punchayet any cause to which the renter may not himself be competent.

48. The Sudder Adalet go on to remark that the situation of Moonsif is still more liable to change when held by the agent of the renter, than when held by the renter himself, because "caprice in the renter may furnish the village with

a new Judge every month." No private person we believe would venture to entrust the charge of his affairs to a new agent every month; and we believe that the common sense of the renter and his regard for his own interest, will deter him from committing the management of his farm to a new agent every month. But even supposing that this extreme case should actually occur, it could do no great harm. The monthly Moonsif would have time enough to settle a petty suit within ten rupees which would seldom require more than a few days or even a few hours, or the parties would demand a Punchayet, or apply to a neighbouring Village Moonsif.

49. The next point on which the Sudder Adalet advert is the "exemption from all superintendence and control which the Village Judge is to enjoy and his retaining his authority so long as he is renter or collector of the rents, although he may in a hundred instances be proved most grossly venal." The Village Moonsifs are amenable to the Zilla Courts for all acts of corruption and oppression. Were they liable to punishment for negligence or incapacity, they could not possibly act. The native agents about the Zilla and District Courts who may be interested in opposing them, would instigate frivolous complaints against them. The Moonsifs are not exempted from wholesome control, but from such control or interference as would deter them from doing their duty and render their office inefficient. The Zilla Judge has certainly neither means, nor time, to ascertain the incapacity or to inquire into the negligence of from one to four thousand Village Moonsifs. The capacity which is equal to the management of a village, will most likely be found adequate to the settlement of two or three or even a dozen ten rupee suits in the year. If it be not, the parties can have a Punchayet, or apply to another Moonsif. The suits which in the course of a year come before the District Moonsifs are about thirty thousand. If we suppose that double this number may annually be brought before the Village Moonsifs, it would scarcely on an average give two to each Moonsif and he can hardly be grossly venal in a hundred instances, when he is not likely to have the trial of a hundred suits during his whole life.

50. It has already been shewn how little temptation a ten rupee suit can present to corruption and there seems to be no ground to suppose that a Moonsif who had once been guilty of it could ever repeat the offence. The fine and the expense and loss of time would be sufficient to deter him and his loss of character would prevent the inhabitants from bringing their suits before him in future. He cannot be removed where he is renter or proprietor of a village, nor ought he to be removed even where he is merely a Potail collecting the rents of Government. To allow such removal would promote the feuds which are so violent among some families for the office of Potail and would encourage perjury for its attainment. The time of the Judge would often be uselessly wasted in hearing unfounded charges. He would not easily be able to guard against the frauds that would be adopted and might sometimes remove a man not guilty, and more injustice and corruption would thus be produced than that which it was meant to obviate. It will be better we think to let a trial be made for a few years of the Village Moonsif under the Regulation now proposed, and if the evil apprehended should then be found to be of such magnitude as to require further provision, it can be made.

51. The Sudder Adalet conclude their remarks on a quotation by the Court of Directors relative to the village institutions by observing "that to make the Potails discharge judicial functions will be regarded as an imposition of new duties, or as the renewal of obligations which none of the parties concerned wished to have renewed." It is not necessary here to examine whether these obligations are new or old. We have stated our opinion on the subject in a former report; with respect to the parties concerned not wishing to have them renewed, we may observe that the Barramahl, when the permanent settlement took place, was disposed of in Mootahs or estates to the highest bidders and the Potails were set aside, yet they did not complain of this measure, though many of them shewed their attachment to their former situations by ruining themselves in order to purchase them. It does not therefore follow as

Vide letter of the Commission, 28th March 1815.

the Sudder Adalet have supposed, that the natives have no desire for a privilege because they have made no complaint of its deprivation.

52. Potails and Village servants tho' they sometimes complain against the officers of Government, never complain against what they consider as the acts of Government itself. They have not the courage to state objections individually to what has been passed into a law. They do not come forward in a body to petition against a Regulation, as men do in England against an Act of Parliament. They are ignorant of this mode of proceeding and even if they knew it, they would not venture to avail themselves of it, lest it should be regarded as an act of opposition to Government. Had the village institutions been left untouched by the British Government, no new Regulation would have been necessary. But as this has not been the case and as the natives believe that in consequence of the introduction of the judicial code, no suit however trifling can now be settled except under the authority of the Zilla Courts, it has become necessary to make Regulations calculated to restore to the natives their ancient privilege of having their disputes settled by the Head of the village or a Punchayet, when they chose this mode in preference to seeking redress from a distant tribunal; and in furtherance of this object, we think it expedient that the Potail whether he be willing, or not, should be required to discharge all the Judicial, Revenue, and Police duties belonging to his office, as Head of this village.

53. It is thought by the Sudder Adalet that by constituting the Potail, or renter, a referee and arbitrator merely, the evil consequences of exemption from the punishment of dismissal would not be so formidable, "because to a village referee or arbitrator, whose profligacy or incapacity had been ascertained, the Zilla Judge would not refer causes for decision," and they observe, "that the authority of a referee and arbitrator must lie dormant unless it be called into action by the Zilla Judge;" all that is here said about arbitration is already provided for under the existing Regulations, but it appears to have been very rarely acted upon. The reports of the Judges shew very little arbitration. The general complaint of the Judges is that the parties have no confidence in arbitrators. We may therefore conclude that if the Village Moonsifs are to be roused only by the Zilla Judges, they will hardly ever be disturbed in their dormant state. How is the Judge to ascertain the profligacy or incapacity of the Moonsifs; he has already more to do than he can attend to without a correspondence with so numerous a body.

Regn. XXI, 1802.

54. Our objections to the Village Moonsif acting as referee, have been detailed in our report of the 15th July 1815. To make it necessary in petty suits to repair in the first instance to the Zilla Judge would defeat the object of the Regulation of not carrying away the people from their villages; indeed it would prevent such suits from being settled at all, because there is hardly a case within ten rupees, the limit of the Potail's jurisdiction, in which the plaintiff would think it worth while to leave his home as even the certainty of gaining the suit would not compensate for the trouble and loss of time.

Vide para. 5.

55. The section by which the Collector is authorized to determine who is to be considered as the Head of the village, when there are two or more joint renters or collectors of rent, each claiming the office, is deemed objectionable by the Sudder Adalet, and they recommend that the nomination shall be made by the Zilla Judge because as he appoints the District Moonsif the same provision should, they conceive, be made applicable to the Village Moonsif. There does not seem to be the smallest analogy between the two cases. The District Moonsif is an officer purely judicial, acting entirely under the orders of the Zilla Judge. The Village Moonsif is a Revenue Officer, who exercises judicial authority only in virtue of his Revenue office. His Revenue business is constant, his Judicial only casual; and as the Collector has always had the appointment of Village Revenue Officers, this authority ought undoubtedly to remain with him; as Collector and Superintendent of the Police, he is the only proper person to determine in doubtful cases, who shall be the Head Revenue and Police officer of the village.

56. A doubt is expressed by the Sudder Adalet whether it be intended by the Village Moonsif Regulation "to leave it entirely to the option of the native inhabitants to have recourse to these lower judicatories or to the Zilla Courts." It will be seen by the report of the Commission referred to in Mr. Stratton's minute, that it was intended this option should be left to the inhabitants and it is now made more distinct by the wording of the clause.

Vide Commissioners' report, 15th July 1815, para 32.

57. So many evils appear to the Sudder Adalet to be likely to result from the Heads of villages becoming Moonsifs *ex officio*, that they propose their being appointed by selection by the Zilla Judges; that it shall be made the special duty of the Judges "to select those persons for the judicial office whom the general opinion of the inhabitants manifested by voluntary references should point out as the best qualified to decide on the disputes between them;" that a Moonsif shall not be appointed to every village, but to a circle of from ten to twenty miles according to the population. What is here recommended is already provided for by the code; for clause fourth, section III, Regulation XVI, 1802, directs the appointment of Native Commissioners to Circles of ten coss, but this appears to have been only very partially done as may be seen by a list of the number of Commissioners including the Law Officers of the Zilla Courts as Sudder Ameens *ex officio* by the last returns—*vide* Appendix No. 2. We are therefore to infer that the Sudder Adalet have found some difficulty in attending this plan authorized by the Regulations and the same in principle as that recommended by themselves, which has hitherto prevented them from carrying it into execution and it can hardly therefore be necessary to attempt the introduction of a similar one upon a more extensive scale, more particularly as it would not be the Village Moonsif Regulation proposed by the Court of Directors.

58. In their concluding remarks the Sudder Adalet observe that "they have not deemed themselves at liberty to deviate in any essential point from the principles on which the proposed Regulations appear to have been framed." They have made one essential deviation in the Punchayet Regulation, where they confine the trial of unlimited suits to the Punchayet of five members. This we have already observed would tend to retard the adjustment of such suits and to force them into the Zilla Courts; it would also increase the chance of corruption which would be more easy than in a more numerous Punchayet.

59. The Sudder Adalet have noticed several trifling innovations on the judicial code, but have made no objection to one of the most important, that by which the Village Moonsif is authorized to carry his own decrees into execution and to attach property for that purpose, which will have an extensive and beneficial influence in facilitating the recovery of just debts.

60. We think that most of the difficulties seen by the Sudder Adalet originate in their viewing the Potail, not as what he is, a Head ryot engaged in agriculture and deciding one or two petty suits in the year, but as a regular Judge, solely occupied in hearing causes from one end of the year to the other. They speak of his sitting in open court, of the respectability of the judicial character, of preserving the purity of these inferior judicatories, of his conscience not being bound by an oath, of his being subject to no control, and of the ease with which he may convert his power into an engine of oppression. We are satisfied that the evil or the good that any one Village Moonsif can do will be trifling, that oppression will seldom be within the power of any one of them and is sufficiently open to punishment, that good will be within the reach of them all, and that however little may be done by them individually, the aggregate will be great. The proposed Regulations cannot impede, but will assist the operation of the Judicial system. The option is left to the natives of having recourse to them or not, as they please. We therefore beg leave respectfully to recommend that they be passed by the Right Hon'ble the Governor in Council.

61. It was our intention to have submitted with the proposed Regulations a report on the heads of information called for by the resolutions of Government of the 1st March 1815. We addressed a circular letter on that subject to the

Collectors dated the 8th June with forms explanatory of the information required. But as some of the Collectors' returns have only been lately received, and as others have only been received in part, we shall be obliged to defer our report for some time longer.

Appendix No. 1.

[referred to in para. 3 of the Com[rs]' letter, dated 20th April 1816 *supra*.]

(a) *Errors and omissions in the Sudder Adalet re-draft of Regulation I.*

Title.—The title professes to declare the Head inhabitants Moonsifs of their respective villages and to define their jurisdiction, but any one reading it, would be at a loss to know if the jurisdiction of Moonsifs were of a limited or unlimited nature in respect to amount or value.

Section IV.—Village Moonsifs are by this section made liable to answer for their conduct on charges of gross partiality and corruption before the District Moonsif and Zilla Judge, while it does not appear by any subsequent provision that the District Moonsif can receive or act on any charge of partiality or corruption, and altho' provision is made for a Judge receiving and acting on a charge of corruption, yet no penalty attaches to partiality for which the Moonsif is made answerable.

Clause seventh, section V.—The Court observe the Commission have fallen into error in their title to Regulation I, in making a distinction between money and other personal property, and yet in this clause they fall into the same error.

Clause first, section X.—The Village Moonsifs are in this clause held responsible for the correctness of their decisions, contrary to the spirit of every code of laws. It does not however appear by any subsequent provision to whom they are held responsible, or what penalty was meant to attach to errors of judgment.

Clause fourth, section XII.—The Moonsif is by this section empowered to fine for contempt or disrespect to the extent of half a rupee, but the power is nugatory, without the power to levy it if the party refuse or be unable to pay.

Clause first, section XV.—The Village Moonsifs are by this clause authorized to require the attendance "of any person," as a witness. The words "any person in the village," would be more distinct and less likely to lead the Village Moonsif into error in summoning persons from any distance.

Clause fourth, section XV.—The Village Moonsif is by this clause empowered to fine the witness for non-attendance or refusal to answer not exceeding half a rupee which power, as observed before, must prove nugatory if the witness refuse or be unable to pay the fine.

Clause third, section XVI.—In this clause the power to fine a witness half a rupee is followed with the power, to levy it which, it is to be presumed, is to be done by the attachment and sale of his effects if he refuse or be unable to pay the fine; the punishment would in such case follow the offence a fortnight after it was committed.

Section XVIII.—This section makes provision for the suit being dismissed if the plaintiff do not attend on the day fixed for the trial, but there is no provision for the conduct of the Moonsif, if the defendant should be absent on the same day, or for his refusal to answer the plaint.

Section XIX.—Parties and their vakeels and witnesses are liable by this section to be fined half a rupee for disrespect, but no means of supporting the Moonsif's authority is prescribed if they refuse or be unable to pay the fine.

Section XXI.—This section prescribes all that the decree is to contain and yet omits that it shall be dated and signed by the Moonsif. It allows him to decree costs and damages, while section XXXI prescribes "suits tried by Village Moonsifs shall be exempt from fees, stamp duties, batta and charges of every description" excepting the batta of the District Moonsif's peon employed to sell property under attachment.

Section XXIV.—This section prescribes that the decree shall be written on cadjan leaves or the paper in common use which prevents the parties using paper of European manufacture as more durable should they prefer it.

Section XXVII.—This section prescribes that no Village Moonsif shall punish any party, vakeel or witness excepting under the provisions specified in clause fourth, section XV and section XIX. To fine is no punishment without the power to levy the fine or to commute it for imprisonment. The Court having here referred to two sections, admits the inference that a reference to clause fourth, section XII, was intended and has been omitted thro' inadvertence.

Section XXVIII.—This section allows a Zilla Judge to levy a fine from a Moonsif on a charge of corruption, from a party in a suit, without however limiting any time in which such charges are to be preferred.

Section XXXIII.—The Court object in their remarks on section LIX, Regulation III, to the word bond without some penalty being attached to the breach of its obligations; here however they introduce arbitration bonds without any penalty which if not an omission is at least at variance with their remarks.

Section XXXV.—This section allows the Zilla Judge to annul the decisions of the Village Moonsif as arbitrator on a charge of corruption or gross partiality without any restriction of time within which the charge is to be preferred, so that a decision might be legally set aside upwards of 10 years after it had been passed.

N.B.—A section of the Commissioners' draft is wholly omitted in the Court's re-draft of Regulation I, prescribing the disposal of fines which the Village Moonsif may levy. Vide remark in clause third, section XVI.

(b) *Errors and omissions in the Sudder Adalet re-draft of Regulation II.*

Section II.—This section defines the cases which may be referred for decision to a Village Punchayet but omits the necessary restriction of 12 years restrospect in respect to the commencement of the cause of action under the provisions and exceptions admitted and acted on in the regular code.

Clause first, section III.—This section prescribes that the Village Punchayet shall always consist of an odd number, never less than five nor more than eleven, but omits the words, "and the majority shall decide" to be found in the Commissioners' draft. How the Court meant the Punchayet should act on a difference of opinion among them, is left to conjecture.

Clause second, section III.—The Moonsif is hereby empowered to fine any person refusing to act on a Punchayet to the extent of 5 rupees, but the power to levy the fine is omitted which makes its imposition nugatory.

Clause sixth, section III.—The Village Moonsif is under the circumstances stated in this clause to make a reference to the District Moonsif for instructions which he is directed to obey, without any line being prescribed for the District Moonsif on the cases which might be referred to him.

Clause thirteenth, section IV.—This clause provides for the cause being decided *exparte* on the non-appearance of the defendant on the day of trial, but no provision is made for his refusal to answer the plaint, a case which might arise.

Section V.—This section provides for the Village Moonsif fining parties, vakeels and witnesses for disrespect &ca to the Punchayet, which is no punishment without the power to levy the fines or commute them for imprisonment if the parties be unable or refuse to pay.

Section VII.—The same remark applies to this section as to section XXI of the Court's re-draft of Regulation I, suits tried by Village Punchayets being exempt from fees, stamp duties &ca under section XVI.

Section VIII.—This section prescribes that the decree shall be attested by the Punchayet which ought to have been inserted in section VII; the same remark also applies to this section as to section XXIV, Regulation I, respecting the meterial on which the decree is to be written.

Section X.—The Commissioners' draft prescribes that the proceedings shall be written by the Curnum or one of the members of the Punchayet, whereas this section prescribes "that the proceedings shall be written by one of the members"; the decree &ca. would therefore not be written at all, if none of the members could write, a case not unlikely to happen in a Village Punchayet.

Clause second, section XIII.—The Punchayet herein prescribed formed by each party naming 2 members and the Village Moonsif one, as well as the Punchayet of 5 to 11 members, were intended by the Commission in their draft to be employed at the option of the parties equally in the decision of suits of a limited and unlimited amount. But in the Court's re-draft, the greater Punchayet is confined to the decision of limited suits, while the decision of unlimited suits is restricted exclusively to the smaller Punchayet, which is less qualified than the other for the adjustment of such suits, as well from its members being apt to become parties, as from the smallness of their number rendering it more liable to corruption. The motive of the Court for the restriction in both cases is not apparent.

Section XV.—In this section the power to annul the decision of the Punchayet is given to the Zilla Judge on a charge of corruption or partiality being preferred by either party without any restriction of time; so that no decision could be considered final, since it might be legally annulled upwards of 10 years after its date on a charge of corruption or partiality.

A clause is wanting to this section prescribing that the petition shall be written on stamp paper of the prescribed rate according to the amount of the suit and shall be presented by the parties in person or an authorized vakeel of the Court.

Section XXIII.—This section allows a Zilla Judge to levy a fine from Village Moonsifs and members of Village Punchayet on a charge of corruption being proved, without however limiting any time in which such charges are to be preferred.

Appendix No. 2

[referred to in para. 57 of the Com^rs^' letter, dated 20th April 1816, *supra.*]

[*Not printed.*]

(2)

[THE COMMISSIONERS' RE-DRAFT OF REGULATIONS I TO VII

Referred to in paragraph 2 of their letter, dated 20 April 1816, *supra.*]

A.D. 1816. REGULATION I.

A Regulation for declaring the Head inhabitants of villages to be Moonsifs in their respective villages to hear and decide Civil suits for sums of money or other personal property to a limited amount and for defining their jurisdiction. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. With a view to lessen the business of the Zilla Courts, to diminish the expense of litigation in petty suits and to promote the speedy adjustment of such suits without subjecting individuals to the inconvenience attending a long absence from their homes, the Governor in Council has enacted the following Regulation to be in force in the territories subject to the Presidency of Fort St. George.

Heads of villages to be Moonsifs within their villages.

II. Heads of villages shall by virtue of their office be Moonsifs within their respective villages.

Heads of villages defined.

III. *First.*—In villages, whether permanently settled, rented, or in the hands of Government, where there may be more than one Head man coming under the denomination of Potail, Reddy, Pedda Capoo, Yajemaun, renter or any other designation, the person who collects the revenue, and under whose authority the village servants act shall be considered as the Head of the village. No person shall act as Head of the village, who does not generally reside in it; where there is but one resident renter of a village, he shall be considered as the Head of the village; when the renter is not a resident, the person who rents or manages the village under him shall be considered as the Head of the village.

Where doubts may arise Collectors are to select one person to act as Head of the village.

Second.—Where from the names of two or more persons being introduced in the same puttah, as Heads or renters of the village, or from any other cause, doubts may arise as to whom the office of Head of the village belongs, the Collector shall select one person and give him a puttah to act as the Head of the village.

Village Moonsifs exempt from oaths of office.

IV. *First.*—Village Moonsifs shall not be required to take any official oath.

And from being called upon to answer for their conduct as Moonsifs before the District Moonsifs.

Second.—Village Moonsifs shall not be liable to be called before the District Moonsif to answer for their conduct as Village Moonsif in any case.

Or before the Zilla Judges. Exception.

Third.—Village Moonsifs shall not be liable to be called before the Zilla Judge to answer for their conduct as Village Moonsifs, except on charges of corruption or of having exceeded the powers of fine or imprisonment granted to them by this Regulation.

Suits cognizable by Village Moonsifs.

V. *First.*—Village Moonsifs are empowered to hear, try and determine of their own authority and without appeal such suits as may be preferred to them for sums of money or other personal property the amount or value of which shall not exceed ten Arcot rupees.

No such suits to be entertained where the cause of action shall have arisen twelve years before the commencement of the suits.
Exceptions to the rule.

Second.—Provided that in the suits specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned to a competent authority and in such case, that he assign satisfactory reasons to the Moonsif, why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Village Moonsifs prohibited trying suits for damages of any kind.

VI. Village Moonsifs are hereby prohibited from receiving or trying any suit for damages on account of personal injuries, or for personal damages of any nature.

Village Moonsifs prohibited trying suits in which they or their servants are interested.

VII. Village Moonsifs are hereby prohibited from trying any suit in which they or any of their immediate servants are personally interested.

Village Moonsifs prohibited trying suits against persons not resident in their jurisdiction.

VIII. Village Moonsifs are prohibited from trying and determining suits against any person or persons who may not be found to be actually resident within their jurisdiction at the time when such suits shall be preferred.

Vakeels to be relatives, servants, or dependants of parties to be furnished with Vakalutnamahs.

IX. *First.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant, to plead before the Village Moonsif on furnishing the person to be so employed with a Vakalutnamah, describing his relation to his employer and the matter in which he is empowered to act.

Persons not to act as vakeels until their Vakalutnamahs have been exhibited.

Second.—Village Moonsifs shall not in any case permit any person to act as the vakeel of another, until such person shall have exhibited a Vakalutnamah containing the information required by the preceding clause.

Curnums to assist Moonsifs.

Moonsifs to decide on their own opinion.

X. *First.*—In hearing, trying, and determining Civil suits, the Village Moonsifs shall be assisted by the Village Curnum, or persons holding the office of Curnum for the time being, a part of whose duty it shall be to attend as assessors, to write the proceedings of the Moonsifs and when required to afford them their advice. But the Village Moonsif shall decide by his own opinion, whether it agree or not with that of the Curnum.

Curnums to keep registers of suits preferred to Village Moonsifs.

Second.—The Curnums shall keep registers of the suits preferred to the Village Moonsifs entering each complaint in the order in which it may be received in the form prescribed in section XXXVI of this Regulation.

What the plaint is to contain.

XI. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Village Moonsifs how to proceed on a complaint being preferred to them.

Defendant to be summoned verbally.

XII. *First.*—Upon a complaint being preferred in writing to the Village Moonsif, he shall by a verbal summons require the defendant to appear before him in person or by vakeel immediately or within two days from the delivery of the summons.

Summons by whom and how to be served.

Second.—The summons shall be served by the village servant usually employed in carrying messages, who shall be accompanied by the plaintiff or his vakeel to point out the defendant and to explain to him the demand against him.

On the non-appearance of the defendant on the day fixed, the village servant to make oath to the service of the summons.

Moonsif to give judgment *ex parte.*

Third.—If a defendant having been served with a summons in the mode above prescribed shall neglect or refuse to attend within the time limited, the village servant shall be called upon to make oath to the service of the summons, after which the Village Moonsif shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

If a defendant appear plaint to be read to him.

Razeenamah to be taken if the dispute be settled amicably.

What it is to contain.

XIII. If the defendant shall attend in obedience to the summons, the plaint shall be read over to him, and if he shall acknowledge that the plaintiff has a claim upon him, the Village Moonsif shall advise the parties to settle the matter amicably. If the plaintiff be satisfied by the defendant, the Village Moonsif shall cause him to execute a Razeenamah stating in what manner the defendant has satisfied him, which Razeenamah shall be certified by the Village Moonsif as being executed in his presence, and he shall then deliver it to the defendant.

Otherwise copy of the plaint to be delivered to the defendants.

And his answer to be required.

XIV. *First.*—If the defendant on the plaint being read over to him, shall object to the demand and the parties shall be unable to adjust the dispute amicably, the Village Moonsif shall deliver to the defendant a copy of the plaint and shall require him to deliver his answer immediately or on a certain day not more than five days after the day on which the plaint was read.

Answer to state all he has to say, no further pleadings to be admitted.

Second.—The answer shall contain all that the defendant has to state regarding the case and no further pleading shall be admitted.

When and how the truth of the complaint is to be examined.

Third.—When the answer has been filed, the Village Moonsif either immediately or on a fixed day, as soon after as the business before him will permit, shall examine the truth of the complaint or claim. If the parties are willing to dispense with the examination of witnesses, the Village Moonsif shall give his decision on due consideration of the plaint and answer and any vouchers which may be produced; or if either party is willing to let the cause be settled by the oath of the other, the Village Moonsif shall give his decision according to such oath.

Village Moonsifs may require the attendance of witnesses by a verbal summons.

XV. *First.*—Village Moonsifs are authorized to require the attendance of any person in their respective villages, who may be named as a witness by any party in a suit, by a verbal summons fixing a day for the attendance of such witness.

By whom to be served.

Second.—The summons shall be served by the village servant usually charged with carrying messages attended by the parties or their respective vakeels to point out the witnesses.

Village Moonsif authorized to cause oaths to be administered to witnesses when necessary.

Third.—The Village Moonsifs are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The Village Moonsif is to exercise this authority at his discretion.

Fourth.—The Village Moonsif shall previously to the examination of a witness inform him that he has authority to cause an oath to be administered to him when he may think he is not giving his evidence correctly, which authority the Village Moonsif shall exercise at his discretion.

Witness to be examined *viva voce.*

Fifth.—It shall not in any case be necessary to take the depositions of the witnesses in writing.

Witnesses refusing to attend or answer liable to be fined.

Sixth.—If a witness duly summoned shall refuse to attend or attending shall refuse to answer, such witness shall be liable to be fined for every such offence at the discretion of the Village Moonsif in a sum not exceeding half a rupee.

Trial to be deferred if a necessary witness be absent from the village.

XVI. *First.*—If any person whose testimony is necessary in a suit, shall be temporarily absent from the village, the trial of the suit shall be postponed until his return.

How the evidence of a person residing in a different village is to be obtained if within a distance of two coss.

Second.—If in any case the evidence of a person residing in a different village shall be required, provided that the village be not farther distant than two coss, the Moonsif requiring his attendance shall address a summons to such person containing the names of the parties in the suit and shall forward it to the Moonsif of the village in which such person shall reside, who shall cause the summons to be served by his own village servants and shall return the summons with a certificate that it has been duly served to the Moonsif who issued it.

Persons refusing to attend on such summons liable to be fined.

Fine by whom to be levied.

Third.—Any person refusing or neglecting to attend on such summons shall be liable to be fined in a sum not exceeding one half of a rupee which shall be levied by the Village Moonsif in whose jurisdiction such person may reside, on a communication of the order imposing the fine being made to such Moonsif by the Moonsif by whom such order may be passed.

How the evidence of persons residing in a different village is to be taken if beyond a distance of two coss.

Fourth.—If the person whose evidence is required shall reside at a greater distance from the village than two coss, the Village Moonsif is authorized to request by a letter bearing his signature the Moonsif of the village in which the person whose testimony is required may reside, to examine such witness on written interrogatories prepared by one or both parties, or by their vakeels. The Village Moonsif shall examine the witness or witnesses named in the letter according to the requisition of it, and return the deposition of each witness duly subscribed by him to the Moonsif of the village where the cause may be depending by the time required in the letter, and every deposition so taken shall be received as good evidence in the cause.

Attendance of women of rank or high caste not to be required.

To furnish their evidence in writing.

Fifth.—Village Moonsifs shall not summon any woman to appear before them whose rank or caste may render it improper to require her attendance; but when the evidence of such person is necessary, the Village Moonsifs shall require her to furnish her deposition in writing duly attested. The deponent shall state in her deposition that she is prepared to swear to the truth of her deposition if required.

Village Moonsifs prohibited from requiring securities.

XVII. The Village Moonsifs in suits depending before them, are hereby strictly prohibited from requiring securities of any kind from defendants.

Suits to be dismissed if the plaintiff do not attend at the time fixed for the trial, and not again revived.

XVIII. *First.* If a plaintiff shall not attend on the day fixed for the trial and the defendant shall be in attendance before the Moonsif, the suit shall be dismissed and shall not be revived unless the Plaintiff shall shew good and sufficient cause for his absence.

Proviso.

If the defendant refuse to answer suit to be tried *exparte.*

Second.—If the defendant shall refuse to answer the plaint, the Village Moonsif shall proceed to try the cause *exparte* as prescribed in clause third, section XII of this Regulation.

Parties or their vakeels and witnesses liable to fine for disrespect to Village Moonsifs.

XIX. Parties or their vakeels and witnesses guilty of disrespect to a Village Moonsif, shall be liable to be fined by him in a sum not exceeding one half of a rupee.

The decision to be passed after due consideration.

XX. When the parties have been heard, the exhibits received and considered, and the witnesses on both sides examined, the Village Moonsif shall give judgment according to justice and right.

What shall be contained in the decree.

XXI. The decree shall specify the names of the parties and the names of the witnesses examined, and the titles of the exhibits read. It shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the sum of money or the value of the personal property adjudged. The decree shall bear the signature or mark and seal of the Village Moonsif and Curnum and shall be dated on the day on which it is passed.

Rate of interest to be allowed.

XXII. Village Moonsifs are hereby prohibited for allowing in their decrees a greater rate of interest in any case than the Courts of Adalet are permitted to allow by Regulation XXXIV of 1802.

Village Moonsifs may allow a reasonable period for the execution of their decrees.

XXIII. Village Moonsifs shall have authority to allow in their decrees such reasonable periods for their execution as may appear just in particular cases, not however in any case exceeding three months.

Copies of the decree to be given to parties within three days after its date.

Date of the delivery to be certified by the Moonsif and Curnum.

XXIV. *First.*—Village Moonsifs shall within three days after passing a decree, cause two copies of it to be prepared by the Village Curnum and shall deliver one copy to each party, the date of such delivery being certified by the signature of the Moonsif and of the Curnum.

Non-attendence on delivery of or refusal to receive the decree to be noted on the back of it.

And the decree to be deposited with the Curnum.

Second.—If the plaintiff or defendant shall not attend in person or by vakeel to receive a copy of the decree, or shall refuse to receive it when tendered, the Village Moonsif shall cause such omission or refusal to be noted on the back of the copy of the decree so omitted to be taken or refused, and shall deposit it with the Curnum for the purpose of delivering it to the party, if he shall afterwards claim it.

Village Moonsifs not to punish any party, vakeel, or witness.

Exception.

Cases in which fines may be commuted for twelve hours confinement.

XXV. No Village Moonsif shall punish any party, vakeel, or witness, in any suit before him, excepting under the provisions specified in clause sixth, section XV; clause third, section XVI; and section XIX of this Regulation; provided however that if the party, vakeel, or witness, shall refuse or be unable to pay the fine, the Village Moonsif may at his discretion commute such fine for twelve hours confinement in the village choultry.

Suits in which Village Moonsifs are parties by whom to be tried.

XXVI. Suits in which the Village Moonsif is a party shall be tried by the Moonsif of another village, or by any competent authority.

Village Moonsifs authorised to determine suits for sums of money or other personal property not exceeding one hundred rupees as arbitrator.

Proviso.

XXVII. The Village Moonsif is authorized to hear, try, and determine as arbitrator, suits for sums of money or other personal property the amount or value of which shall not exceed one hundred Arcot rupees, provided both the parties interested in such suits shall voluntarily agree in writing to refer them to his decision as arbitrator and shall voluntarily subscribe bonds in the presence of two or more credible witnesses who shall attest the same, binding themselves to abide by the decision of the Moonsif to whom they may refer the suit, whether he be the Moonsif of their own village, or of any other village.

By what rules they are to be guided in deciding them.

XXVIII. In trying the suits described in the foregoing section the Village Moonsif shall be guided by the rules prescribed for his conduct in trying suits preferred to him under the provisions of section V of this Regulation, so far as those rules may be applicable.

Decisions of Village Moonsifs not to be carried into execution in less than thirty days after date of delivery.

On proof of corruption or partiality the Zilla Judge to annul the decision.

XXIX. The decisions of Village Moonsifs, either as Moonsif, or arbitrator, shall not be carried into execution by them in less than thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties, or to their vakeels; should either party present a petition to the Zilla Judge within that period, charging the Village Moonsif with corruption, or gross partiality, the Zilla Judge shall order execution of the decree to be stayed; and if the charge of corruption or partiality be proved to the full satisfaction of the Zilla Judge by the oaths of two credible witnesses at the least he shall annul the decision.

Property in certain cases to be attached in satisfaction of decrees.

Notice thereof to be given to the District Moonsifs.

Process to be observed to sell the same.

XXX. *First.*—If the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished ortendered to the parties, or to their vakeels, or within the period limited in the decree, the Village Moonsif shall, on the written application of the party in whose favour the decree may be given, attach the property of the party cast to the value of the sum decreed, and shall give immediate notice of such attachment and of the day fixed for the sale to the District Moonsif, who shall send a peon to sell the attached property by public auction in presence of the Village Moonsif, at the expiration of the time fixed in the notice of the sale.

The peon deputed not to have charge of the property under attachment; duty of the peon.

Receipt to be taken.

Second.—The peon deputed by the District Moonsif shall not have any charge of the property under attachment; his duty shall be to sell the property and receive the purchase money from which he shall pay to the party in whose favour judgment may be given, the amount decreed, taking his receipt, attested by the Village Moonsif and Curnum.

Batta to the peon.

And all expenses attending the sale how to be defrayed.

Third.—The peon deputed by the District Moonsif shall be entitled to receive batta at the rate of two annas of a rupee per diem during his deputation; and the amount of such batta together with every expense that may attend the sale shall be defrayed by the party cast, or deducted from the proceeds of the sale, on the certificate of the Moonsif and Curnum that such amount of batta and such expenses are correctly charged.

Surplus to whom to be paid.

Receipt to be taken.

And produced to the District Moonsif with what other vouchers.

Fourth.—If any surplus shall remain of the proceeds of the property sold after satisfying the decree and defraying the expenses incurred including the batta of the peon, it shall be paid to the party cast and his receipt for the same, attested by the Village Moonsif and Curnum, shall be taken by the peon and produced to the District Moonsif along with the receipt of the party in whose favour the decree may have been passed and the certificate of the Village Moonsif of the amount of batta and expenses attending the sale, as the vouchers of his having correctly discharged his duty.

In cases of attachment what further notice is to be given.

Attachment to be withdrawn on satisfaction of the judgment being made previous to the time fixed for sale.

Fifth.—Provided however that in every instance of property being attached in execution of a decree, the Village Moonsif shall cause public notice of the intended sale of such property to be given by beat of drum through the village five days previous to the sale; provided further that it shall be at the option of the party cast to satisfy the judgment at any time previous to the period fixed for the sale, and that on his satisfying the judgment by paying the amount to the Village Moonsif, or to the peon, if he should have arrived, together with the batta of the peon, and all other attending expenses according to a certificate to be furnished by the Village Moonsif, the Village Moonsif shall withdraw the attachment and restore the property to the possession of the owner.

Resistance to a sale to be punished as a breach of the peace.

Sixth.—Resistance to a sale ordered by a Village Moonsif shall be considered to be a breach of the peace, and shall be punished as such.

Register of all sales by auction to be kept; what it is to contain.

XXXI. The Village Curnum shall keep a register of all sales by auction in his village in satisfaction of decrees, noting therein, the day of sale, the particulars of property sold, its amount, the name of the purchaser, and his residence.

Suits tried by Village Moonsifs exempt from fees, stamp duties, and all charges.

XXXII. Suits tried by Village Moonsifs shall be exempt from fees, stamp duties, batta and charges of every description excepting those specified in section XXX of this Regulation.

Amount of fines levied to be sent monthly to the District Moonsif with lists.

What to contain.

XXXIII. All fines levied by the Village Moonsifs, shall be sent at the end of each month to the District Moonsif, with a list stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

No exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

XXXIV. *First.*—The Village Moonsifs are prohibited from admitting as an exhibit or from receiving in evidence any obligation, bond, deed or document, whether it be the original or a copy of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

A list of rates of duties on stampt paper and stampt cadjans to be lodged with the Village Curnum.

Second.—A list of the prescribed rates of duties on stampt paper and stampt cadjan specifying the dates on which it was enacted that the collection of those duties respectively should commence shall be furnished by the Collectors to every Village Curnum in their respective Zillas for the guidance of the Village Moonsifs.

XXXV. *First.*—Village Moonsifs shall be liable to prosecution in the Zilla Court for corruption in the discharge of their trust by either party in the suit and for any oppressive and unwarranted act of authority by the party injured; and upon proof of the charge to the satisfaction of the Judge, he shall in the first mentioned case, adjudge the offender to pay the prosecutor three times the amount or value of the money or property corruptly received with all costs of suit, and in the second, award such damages and costs to the party injured, as may appear to him equitable. But no Village Moonsif shall be liable to be prosecuted for want of form, or for error in his proceedings or judgment; nor shall any process whatever be issued against a Village Moonsif who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded, and unless the charge shall be preferred within three months from the date of the act complained of.

Village Moonsifs liable to prosecution for corruption or oppressive and unwarranted acts. Punishment on conviction.

Not liable to prosecution for errors or want of form.

Second.—The Zilla Judge shall on charges of corruption fine the party by whom or for whom the corruption may have been practised in the suit in a sum equal to the value of the thing or sum of money which the Village Moonsif may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised to be fined.

Third.—If the corruption charged against any Village Moonsif shall not be proved to the satisfaction of the Zilla Judge, he shall award full costs and such damages to the Village Moonsif as may appear to him equitable, and he shall levy a fine from the party making such groundless charge, not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved, the Moonsif to have damages and costs and the party making the groundless charge to be fined.

XXXVI. The Village Moonsif shall on the first day of every calender month transmit to the District Moonsif a report written by the Curnum of the suits decided in the preceding month according to the following form to be forwarded to the Zilla Judge.

Monthly reports of suits decided to be sent to District Moonsifs also.

Report of Causes decided by the Moonsif of the village of.................
in the month of..............

No.	Names of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits—date of the bonds of the parties.	Decree.	Date of the decision.
1	Reddy Row *Vs.* Venkapah.	8 rupees on bond with one rupee interest.	1st	,,	8 rupees principal with one rupee interest in favor of the plaintiff.	10th
2	Mahomed *Vs.* Narrain.	65 rupees balance of an account.	,,	8th	65 rupees awarded to plaintiff.	12th
3	Veeran *Vs.* Kistnah.	price of a bullock 10 rupees.	18th	,,	Dismissed, parties having executed Razeenamah.	17th

XXXVII. The Village Moonsif shall on the first of January and the first of July of each year transmit to the District Moonsif reports of the causes depending before him drawn out in the following form by the Curnum to be forwarded to the Zilla Judge.

Half yearly reports of depending suits.

Report of causes before the Moonsif of the village of..........
remaining undecided on the...........

No.	Name of the parties.	Substance of the suit.	Date when preferred.	Arbitration suits-date of the bonds of the parties.
1	Ramasawmy *Vs.* Mahomed.	9 rupees principal and Interest of Bond.	3d.	,,
2	Rungiah Naick *Vs.* Narrasinga Chetty.	Silver ornaments valued at 99 rupees.	,,	15th.
3	Ninan *Vs.* Chinnen.	Value of a bullock 10 rupees.	20th.	,

XXXVIII. These reports shall be forwarded by the public tappal, or by a peon to the District Moonsif, or to the nearest Police Officer, who shall give a receipt for them, and forward them to the District Moonsif.

How to be forwarded.

Copy of this Regulation to be lodged with the Village Curnum.

XXXIX. A copy of this Regulation shall be lodged with and preserved by each Village Curnum for the information of the Village Moonsifs.

A.D. 1816. REGULATION II.

A Regulation for authorizing Village Moonsifs to assemble Village Punchayets for the adjudication of Civil suits for sums of money or other personal property without limitation as to amount or value within their respective jurisdictions and for defining the powers and authority to be vested in such Village Punchayets. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. It being desirable with a view to diminish the expense of litigation, and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that Civil suits between the native inhabitants of the territories subject to the Presidency of Fort St. George should be referred for adjudication to assemblies denominated Punchayets, and that for the purpose of facilitating such reference, the Village Moonsifs should be authorized to summon a Punchayet, on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such Punchayet, and it being deemed expedient to protect members of Village Punchayets from being called to account for their conduct in the performance of these duties, except on charges of corruption, the Governor in Council has enacted the following rules.

Village Moonsifs authorized to summon Punchayets within their respective villages for the decision of suits for sums of money or other personal property of any amount or value.

II. *First.*—Village Moonsifs are hereby declared to be authorized to summon Punchayets within their respective Villages for the decision of suits for sums of money or other personal property without limitation as to amount or value in the two following cases.

Proviso.

Second.—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a Village Punchayet without appeal and may prefer a request in writing to the Village Moonsif to summon a Punchayet, whether he be the Moonsif of the village in which the parties reside or of any other village; or where one party having preferred a request in writing to the Village Moonsif to summon a Punchayet, the other party being an inhabitant of the same Village, on being summoned by the Village Moonsif, shall attend and voluntarily give his assent in writing to the Village Moonsif, agreeing to that mode of trial.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

Exception to the rule.

Third.—Provided however that in the cases specified in the preceding clause of this section, the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand or that he had directly preferred his claim within the period abovementioned to a competent authority and in such case that he assign satisfactory reasons to the Punchayet, why he did not proceed in the suit or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

Punchayet to consist of an odd number; the majority shall decide.

III. *First.*—The Village Punchayet shall always consist of an odd number, never less than five, nor more than eleven, and the majority shall decide.

Of whom to be composed.

Refusing inhabitant liable to fine.

How to be levied.

Second.—The Village Punchayet shall be composed of the most respectable inhabitants of the Village who shall be called upon to serve in rotation whenever their number is sufficient for this purpose; and any inhabitant of the Village refusing to serve on a Village Punchayet shall be liable to be fined at the discretion of the Village Moonsif in a sum not exceeding five Arcot rupees, which shall be levied if necessary by the Village Moonsif under the provisions for the execution of decrees in section XXX, Regulation I, 1816.

Inhabitant of a neighbouring village may be placed on a Punchayet.

Third.—Any respectable inhabitant of a neighbouring village may be placed on a Village Punchayet if he be willing to undertake the duty.

Fourth.—When the parties in suits are of different castes or professions, the Village Moonsif shall in all practicable cases name an equal number of persons of the caste or profession to which each party may belong to compose a part of the Village Punchayet, and shall complete the Punchayet by the selection of a person or persons belonging to a caste or profession different from that of both the parties.

When the parties are of different castes how the Punchayet is to be formed.

Fifth.—If either party shall object to any one or more of the members nominated to compose the Village Punchayet and the Village Moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

Challenged members to be withdrawn.

Sixth.—When the parties may desire it they shall each name two members and the Village Moonsif shall name another person who may be unobjected to by the parties to form the Punchayet. But on all other occasions, the whole shall be nominated by the Village Moonsif; the practice of the parties naming two members each, shall never be allowed when it can be avoided.

When the parties consent, each to name two members and the Moonsif one, in other cases the Moonsif is to name the whole Punchayet; parties naming two each to be avoided if possible.

IV. *First.*—The Village Punchayet being formed as prescribed in the foregoing section shall proceed to investigate the matter referred to them in conformity to the following rules.

How the Punchayet is to proceed.

Second.—The Village Punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such Punchayet, whose names shall be inserted in the agreement which shall be witnessed by the Village Moonsif and Curnum and dated on the same day.

An agreement to be taken from the parties to abide by the decision of the Punchayet.

Third.—Vakeels for plaintiffs and defendants shall be admitted to plead before Village Punchayets provided that every person so appearing as a vakeel, be a relative, servant, or dependant of the person by whom he may be employed, and provided he be furnished with a Vakalutnamah describing his relation to his employer and the matter in which he is empowered to act; such Vakalutnamah shall be exhibited by the vakeel before he be permitted to do any act in the suit.

Vakeels to be relatives, servants or dependants of the parties employing them.

To be furnished with Vakalutnamahs.

Fourth.—The parties being present in person or by vakeel, the Village Punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and the residence of the person or persons complained against, the total amount or value of the property claimed, and all material circumstances which may elucidate the transaction.

Plaint to be received in presence of the parties or their vakeels.

What it is to contain.

Fifth.—The plaint shall be read to the defendant or his vakeel and the defendant or his vakeel shall be required by the Punchayet to give in his answer, either immediately if he shall be prepared to deliver it, or on a day to be fixed, which shall not be later than one week from the reading of the plaint.

Plaint to be read to the defendant.

Answer to be required.

Sixth.—The defendant shall state in his answer all that he has to say regarding the case and no further pleadings shall be admitted.

Answer to state every thing regarding the case, no further pleadings to be admitted.

Seventh.—The Village Punchayet after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses and shall fix an early day for the trial with reference to the convenience of the parties and witnesses respectively.

Exhibits and lists of witnesses to be then received and a day to be fixed for the trial.

Eighth.—The Village Punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial to the Village Moonsif, who shall require the witnesses to be in attendance on that day.

Lists of witnesses and the day fixed for trial to be communicated to the Village Moonsif.

How he is to proceed.

Ninth.—The parties and witnesses being in attendance on the prescribed day, the Village Punchayet shall proceed to take the depositions of the witnesses in the manner usual in the caste to which they may respectively belong on separate papers or cadjan leaves in all cases in which the matter at issue may exceed the value or amount of twenty Arcot rupees; the deposition shall be read over to the witness, who shall then subscribe the deposition with his or her name or mark.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Tenth.—In cases in which the matter at issue may be of smaller amount or value than twenty Arcot rupees, it shall be discretionary with the Village Punchayet to take the depositions of the witnesses in writing or not.

In other cases the Punchayet to use its discretion.

Eleventh.—The Village Punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The Punchayet authorized to cause oaths to be administered to witnesses where necessary.

Questions suggesting a particular answer not to be put.

Oaths to be administered to witnesses at the discretion of the Punchayet.

Twelfth.—The Village Punchayets shall not put a question to any witness suggesting a particular answer and shall previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly; which authority the Village Punchayets shall exercise at their discretion.

Trial to be suspended on the non-appearance of the parties or either of them.

To be reported to the Village Moonsif. Notice to be fixed; what containing.

Thirteenth.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the Village Punchayet shall suspend the trial and report it to the Village Moonsif who shall cause to be affixed in some conspicuous place of the Village a notice specifying that the suit will be tried on a given day which shall not be less than five days from the date of the notice.

Suit to be dismissed on the non-appearance of the plaintiff.

Fourteenth.—If the plaintiff shall not appear at the time fixed in the notice, the Village Punchayet shall dismiss his suit which shall not berevived unless the Plaintiff shall show good and sufficient cause for his absence.

Cause to be tried *exparte* on the defendant's refusal to answer the plaint or non-appearance.

Fifteenth.—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the Village Punchayet shall proceed to give judgment on the plaintiff's vouchers and the evidence of his witnesses.

What circumstances to be reported to the Village Moonsif.

How he is to proceed.

V. In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony or shall be otherwise guilty of disrespect to the Village Punchayet, as also where the evidence of a person is required who resides beyond the jurisdiction of the Village Moonsif, as also in the cases of persons whose testimony may be required, but whose rank or caste may render it improper to require their attendance, as also when the parties or their vakeels may be guilty of disrespect to the Village Punchayet, the Punchayet shall report the circumstances to the Village Moonsif who is hereby authorised and directed on receiving such reports to take the same measures for procuring the attendance or testimony of the witnesses or for punishing the contempts as he would have taken under sections XV, XVI and XIX Regulation I, 1816, if the circumstances represented had occurred before himself.

When the decree is to be written.

VI. When both parties have been heard and the whole of the evidence has been gone through, the Village Punchayet shall order the parties and witnesses to withdraw and shall write their decree according to justice and right.

What the decree is to contain.

VII. The decree of the Village Punchayet shall contain the names of the parties and the names of the witnesses examined and the titles of the exhibits read. It shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the sum of money or the value of the personal property adjudged. The decree shall bear the signature or mark of the members of the Punchayet and shall be dated on the day on which it is passed.

Copy of the decree to be delivered to each party.

Date of the delivery to be endorsed.

How to be attested.

Previous to delivery no communication of the nature of the decree to be made.

VIII. Two copies of the decree shall be prepared by the Village Punchayet and shall be put under a sealed cover and delivered to the Village Moonsif, who shall require the parties together with the Punchayet to assemble immediately or at a convenient day not being later than three days from his receipt of the decree. The Village Moonsif shall open the seal in presence of the parties and shall cause the Curnum to endorse on each copy of the decree the date of the delivery thereof, which shall be attested by the signature of the Village Moonsif, the Curnum and any member of the Punchayet. The Village Moonsif shall then cause the Punchayet to deliver to each party in his presence a copy of the decree; but no communication shall be made to the Village Moonsif or to either party of the nature of the decree previously to its delivery.

Non-appearance or refusal to receive a copy to be endorsed on it.

And copy so endorsed to be deposited with the Curnum.

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the Village Moonsif shall cause the Curnum to endorse on the copy intended for such party, such omission or refusal and the date. The Village Moonsif shall attest the same with his signature, which shall be witnessed by the Curnum and any member of the Punchayet; the copy so endorsed shall be deposited with the Village Curnum to be delivered to the party afterwards claiming it.

Proceedings of the Punchayet to be written by one of the members or Curnum.

Stamp paper not necessary.

X. The proceedings of the Village Punchayet shall be written either by one of the members or by the Village Curnum and no stamp paper need be used in plaint, answer or any process.

XI. *First.*—No appeal shall be permitted from decisions passed by Village Punchayets under this Regulation, but if the Village Punchayets shall be guilty of gross partiality, it shall be at the option of either party to bring the matter by petition upon stampt paper of the prescribed rate according to the amount of the suit before the Judge of the Zilla.

No appeal allowed from the decrees of Punchayets.
In cases of corruption or partiality how the parties to proceed.

Second.—The petition shall not be received unless it be presented with the decree complained of within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

Petition only to be received if presented within the period limited.

Third.—If the petition be received, the Judge shall order the execution of the decree to be stayed pending the inquiry.

When received execution of the decree to be stayed.

Fourth.—If the partiality charged against the Punchayet shall be established to the satisfaction of the Judge by the oaths of two credible witnesses at the least, he shall submit his proceedings with his opinion on the case to the Provincial Court of Appeal who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision; and the parties shall be at liberty to have recourse to another Punchayet or to any other competent jurisdiction.

Decree to be annulled by the Provincial Court on proof of partiality to their satisfaction.

Fifth.—Provided however that where the decision of a second Punchayet shall agree with the decision of a former Punchayet in the same suit, it shall be final.

Decision of a second Punchayet agreeing with that of a former one in the same suit to be final.

Sixth.—Petitions to the Judge of the Zilla under this section shall be presented by the parties in person or by an authorized vakeel of the Court to whom a fee of four annas of a rupee shall be allowed and no more and the parties shall not be subjected to any other charge whatever.

Petitions to the Judge by whom to be presented.
Fee payable to the vakeel presenting them.

XII. Village Moonsifs shall not receive or refer to a Punchayet for trial any suit for damages on account of personal injuries or for personal damages of whatever nature.

Village Moonsifs not to receive or refer to Punchayets any suits for personal damages.

XIII. Suits tried by Village Punchayets shall be exempt from fees, stamp duties, batta and all charges of every description, except the cost of the paper or cadjan leaves on which the proceedings and decree may be written, the amount of which shall be inserted in the decree and be levied from the party cast.

Suits tried by Village Punchayets exempt from fees, stamp duties and all charges.
Exception.

XIV. Village Punchayets shall not allow in their decrees a larger rate of interest than Village Moonsifs are authorized to allow under section XXII, Regulation I, 1816.

Rate of interest to be allowed.

XV. In respect to the admission of obligations, deeds, and documents, the Village Punchayets shall be guided by the rules prescribed in section XXXIV, Regulation I, 1816.

By what rules they are to be guided with respect to the admission of obligations, deeds and documents.

XVI. *First.*—Decrees of Village Punchayets in cases referred tothem under this Regulation shall be carried into execution by the Village Moonsif under the rules prescribed in section XXX, Regulation I, 1816, provided the amount or value of the sum of money or other personal property adjudged shall not exceed one hundred Arcot rupees.

Village Moonsifs to carry into execution the decrees of Village Punchayets.
Proviso.

Second.—In suits for sums of money or other personal property the amount or value of which shall exceed one hundred, but not exceed two hundred Arcot rupees, the decrees of Village Punchayets shall be carried into execution by the District Moonsifs on the written application of the party praying execution of the judgment.

In what cases the decrees are to be carried into execution by the District Moonsif.

Third.—In all other cases the decisions of Village Punchayets shall be carried into execution by the Zilla Judge in the mode prescribed by the Regulations.

In all other cases the decrees of Village Punchayets to be carried into execution by the Zilla Judge.

XVII. Petitions to the Judge of the Zilla praying execution of the decisions of Village Punchayets shall be written on stampt paper of the prescribed rate according to the amount decreed and shall be prescribed by the parties in person or by an authorized vakeel of the court to whom a fee of four annas of a rupee shall be allowed and no more and such application shall not be subjected to any other charge what ever.

Petitions to the Judge praying execution of the decrees of Village Punchayets to be written on stampt paper.
Fee to the vakeel presenting the petition.

XVIII. *First.*—Any member or members of Village Punchayets shall be liable to prosecution in the Zilla Court for corruption in the discharge of their trust by either party in a suit which may have been referred to such Punchayet; and upon proof of the charge to the satisfaction of the Zilla Judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received with all costs of suit. But members of Village Punchayets shall not be liable to be prosecuted for want of form or for error in their proceedings or judgment; nor shall any process whatever be issued against a member of a Village Punchayet who may be charged with corruption unless the Judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

Members of Punchayets liable to prosecution for corruption.

Punishment on conviction.

Not liable to prosecution for errors or want of form.

Proviso under which process is to be issued on charge of corruption.

Second. The Zilla Judge shall further fine the party by whom or for whom the corruption may have been practised in the suit, in a sum equal to the value of the thing or sum of money which any member or members of such Village Punchayet may be proved to have so corruptly received.

The party by whom or for whom the corruption is practised to be fined.

Third. If the corruption charged against any member or members of such Village Punchayet, shall not be proved to the satisfaction of the Zilla Judge, he shall award full costs and such damages to the member or members complained against as may appear to him to be equitable; and he shall levy a fine from the party making such groundless charge not exceeding the value of the thing or sum of money charged to have been corruptly received.

If the corruption be not proved the accused to have damages and costs awarded to him and the party making the groundless charge to be fined.

XIX. *First.*—Reports of causes tried by and depending before the Village Punchayets shall be transmitted by the Village Moonsifs to the District Moonsifs at the periods and in the manner prescribed in sections XXXVI, XXXVII, and XXXVIII, Regulation I, 1816.

When and what reports to be transmitted.

Second.—The reports shall be drawn up agreeably to the following forms.

Reports how to be drawn up.

Form No. 1.

Report of causes decided by Punchayet in the village of in the month of .

Number.	Names of the parties.	Substance of the suits.	Date when preferred.	Date and abstract of the decree.
1	Veerasawmy *vs.* Gopalayya.	10 rupees balance due on bond.	1st	10th March, 9 rupees to plaintiff.
2	Kishin Row *vs.* Vencatesa.	100 rupees value of silver ornaments.	5th	13th March, Decreed 80 rupees to plaintiff
3	Sashiah *vs.* Narsing Row.	100 rupees value of two bullocks and a bandy.	17th	29th, Dismissed. Plaint not proved.
4	Cootty Chitty *vs.* Narrain Chitty.	12,000 rupees balance of accounts.	20th	30th, Dismissed. Plaintiff files a Razeenamah.

Form No. 2.

Report of causes before Punchayet in the village of remaining undecided on the 1st of January or 1st of July .

Number.	Names of the parties.	Substance of the suit.	Date when preferred.
1	Abdul Cauder *vs.* Seied Mohomed.	88 rupees value of paddy ...	3rd.
2	Ballajee Row *vs.* Custoor Chitty.	Balance of accounts 500 rupees.	10th.

XX. A copy of this Regulation shall be lodged with and preserved by each Village Curnum for the information of the Village Moonsifs and members of Village Punchayets.

Copy of this Regulation to be lodged with the Village Curnum.

A.D. 1816. REGULATION III.

A Regulation for reducing into one Regulation, the rules which have been passed regarding the Office of Native Commissioners, for modifying and extending their powers in the trial and decision of Civil suits, and for authorizing them under the designation of District Moonsifs to discharge certain additional duties. Passed by the Governor in Council of Fort St. George on the

Preamble.

I. Whereas the rules which have been enacted for constituting the office of Moonsifs or Native Commissioners for the trial and decision of causes of a certain amount, have appeared in some instances to require revision and whereas it is expedient with the view of expediting the trial and decision of Civil suits to extend the jurisdiction of the said Moonsifs and to authorize the Judges of the Zilla Courts to employ them in the execution of certain additional duties; and whereas it will contribute to the public convenience to transfer to the Provincial Courts the control now exercised by the Sudder Adalet in the appointment and removal of Moonsifs and to reduce into one Regulation the provisions applicable to the office of District Moonsifs, the following rules have been enacted.

Regulations rescinded.

II. Regulation XVI of 1802; such part of section XXIII, Regulation XXVIII of 1802 as regards Native Commissioners; section II and such part of section V, Regulation V of 1808 as regards Native Commissioners; clauses third, fourth and fifth section XIII, and sections XIV, XV, XVI, XVII, XVIII, XIX, XX and XXIII, Regulation VII of 1809; and section IX, Regulation II of 1811 are hereby rescinded.

Commissions to referees and arbitrators to be cancelled.

III. On the receipt of this Regulation, the Zilla Judges shall recall and cancel all commissions which may have been granted to natives, authorizing them in the capacity of referees and arbitrators only and not in that of Moonsifs to hear and determine Civil suits, and the office of referee and arbitrator as a distinct office shall be abolished.

Moonsifs, being referees and arbitrators, to determine all depending suits before them.

IV. In cases in which the office of referee and arbitrator is united with that of Moonsif, such Moonsif is authorized to hear and determine all causes now depending before him, whether in his capacity of Moonsif, referee, or arbitrator.

New establishment of Moonsifs to be submitted by Zilla Judges to the Provincial Courts.

And places to be fixed on for their cutcherries.

V. *First.*—The Judges of the several Zillas shall on the receipt of this Regulation prepare and submit to the Provincial Courts a new establishment of District Moonsifs, whose local jurisdictions shall be so arranged as to include one or more whole Tahsildaries or Police jurisdictions. They shall at the same time report to the Provincial Courts the name of the town or village in each jurisdiction which may be best adapted for the establishment of each Moonsif's Cutcherry.

Former sunnuds to Moonsifs to be cancelled and new ones to be issued to them confirmed by the Provincial Courts.

Second.—When the selection of District Moonsifs for each Zilla and the places in which their respective cutcherries are to be held shall have been approved by the Provincial Courts, the whole of the sunnuds which may have been formerly granted to Moonsifs shall be recalled and cancelled and their offices abolished.

No person to officiate as District Moonsif without the sanction of the Provincial Court on the recommendation of the Zilla Judge.

VI. The Zilla Judges shall recommend to the Provincial Courts the persons whom they may deem fit for the office of District Moonsif, but no person shall be authorized to officiate as a District Moonsif without the previous sanction of the Provincial Court, nor unless he be of the Hindoo or Mahomedan persuasion.

Mode of proceeding for the removal of Moonsifs from office.

VII. *First.*—Whenever a Zilla Judge shall see cause for the removal of a District Moonsif, the Judge shall report the circumstances of the case with his opinion to the Provincial Court who will pass such order on the report as may appear to be proper.

Zilla Judges in certain cases to suspend Moonsifs from office.

Second.—Whenever a District Moonsif may be guilty of exaction or of any other gross act of misconduct, the Judge is authorized to suspend him from his office, but he shall report the circumstances of the case without delay to the Provincial Court.

Or to fine them as far as twenty rupees

Third.—In other cases of misconduct and neglect of duty which may not be of a nature to require either the suspension or dismissal of a District Moonsif from his office, the Judge is authorized to impose on the Moonsif a fine not exceeding twenty rupees in amount, and the order of the Judge in such cases shall be final.

Moonsifs to be dismissed only by the Provincial Courts.

Fourth.—No District Moonsif shall be removed from his office unless the Provincial Court shall be satisfied that there is sufficient cause for his removal.

Moonsifs may be sued for corruption and are liable to costs and damages.

VIII. *First.*—Moonsifs shall be liable to an action in the Civil courts for corruption in the discharge of their trust or for extortion, or for any oppressive or unwarranted act of authority; and upon proof of the charge to the satisfaction of the Judge, he shall cause the offender to pay such damages and costs to the party injured as may appear to be equitable.

Second.—Moonsifs shall also be liable to a criminal prosecution for extortion, or other acts of oppression committed by them in the discharge of their duty and on conviction before the Court of Circuit shall be subject to fine and imprisonment proportionate to the nature and circumstances of the case; but no Moonsif shall be liable to be prosecuted for want of form or for error in his proceedings or judgments; nor shall any process be issued against a Moonsif who may be charged with extortion or any oppressive or unwarranted act of authority, unless the Judge shall be previously satisfied by sufficient evidence that there is reason to believe the charge to be well founded.

Moonsifs liable to Criminal prosecutions and to fine and imprisonment.

Process not to be issued without previous enquiry into the charge.

IX. Every person who may in future be appointed to the office of District Moonsif shall be furnished by the Judge with a Sunnud drawn up according to the form No. 1 of the Appendix to this Regulation, and previously to entering upon the duties of his office he shall take and subscribe an oath according to the form prescribed in No. 2 of the appendix. The Judge however is empowered in all cases in which he may deem it expedient to exempt such Moonsif from taking the oath, and to cause him to subscribe a solemn declaration to the same effect.

District Moonsif to be furnished with a sunnud.

And to take and subscribe an oath or solemn declaration.

X. Whenever a sunnud may be granted to a District Moonsif under the preceding section, a copy of it under the official seal and signature of the Judge shall also be delivered to him in order that it may remain permanently affixed in some conspicuous place in his cutcherry.

Copy of the sunnud to be affixed in their cutcherries.

XI. *First.*—The persons who may be invested with the powers of District Moonsif under this Regulation are empowered to receive, try and determine all suits preferred to them against any native inhabitant of their respective jurisdictions under the following limitations.

Amount of suits cognizable by District Moonsifs.

Second.—For land exempt from the payment of rent in money or in kind, either to Government or to any person representing Government, and receiving its dues, the annual produce of which land shall not exceed twenty Arcot rupees.

Third.—For land subject to the payment of rent in money or in kind, either to Government or to any person representing Government and receiving its dues, the annual produce of which land shall not exceed two hundred Arcot rupees.

Fourth.—For houses, gardens, or any real property not of the descriptions beforementioned, the value of which shall not exceed two hundred Arcot rupees.

Fifth.—For sums of money or other personal property the amount or value of which shall not exceed two hundred Arcot rupees.

Sixth.—Provided that in the cases specified in the preceding clauses of this section the cause of action have arisen within twelve years previous to the institution of the suit, or that the plaintiff do shew by clear and positive proof either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned to a competent authority, and, in such case, that he assign satisfactory reasons to the Moonsif why he did not proceed in the suit or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

No such suits to be entertained where the cause of action shall have arisen twelve years before the commencement of the suits.

Exceptions to the rule.

XII. *First.*—District Moonsifs shall not receive or try any suit for damages on account of personal injuries or for personal damages of any nature without an order of reference to them from the Zilla Court.

Prohibited trying suits for damages of any nature without orders.

Second.—District Moonsifs are prohibited from hearing, trying or determing any suits in which they themselves or their relatives or dependants, or other persons employed in their cutcherries may be parties or in which a British subject or an European foreigner or an American may be a party.

Also from trying suits in which certain persons may be parties.

Third.—District Moonsifs are further prohibited from allowing any party in a suit to plead before them *in formâ pauperis.*

And from admitting persons to sue as paupers.

XIII. District Moonsifs are themselves to investigate the suits cognizable by them in a public cutcherry or court room, and are not to allow their officers, servants, or dependants, or any other person to interfere therein. In receiving, trying and determining suits they shall be guided by the rules prescribed in this Regulation; and in points not expressly provided for in this Regulation, they shall observe as nearly as may be practicable the rules prescribed in the Regulations for the guidance of the Zilla Courts in the trial and decision of Civil suits.

Suits to be tried by the Moonsifs themselves and under what rules.

Certain sunnuds to be recalled and cancelled.

XIV. *First.*—The Zilla Judges shall recall and cancel all sunnuds granted to vakeels under section XVII, Regulation VII of 1809.

Vakeels to be relatives, servants or dependants of their employers.

To be furnished with Vakalutnamahs containing what.

Second—Plaintiffs and defendants shall be allowed to employ a relative, a servant or a dependant to plead before the District Moonsif on furnishing the person to be so employed with a Vakalutnamah describing his relation to his employer and the matter in which he is empowered to act.

Vakeels not to act until their Vakalutnamahs have been exhibited.

Third.—District Moonsifs shall not in any case permit any person to act as the vakeel of another until such person shall have exhibited in open court a Vakalutnamah containing the information required by the preceding clause.

Rate of interest to be allowed.

XV. District Moonsifs are hereby prohibited from allowing in their decrees a greater rate of interest in any case than the Courts of Adalet are permitted to allow by Regulation XXXIV of 1802.

Fees to be levied in suits preferred to the District Moonsifs.

XVI. *First.*—The District Moonsifs shall levy from the plaintiff in every suit which may be preferred to them in the first instance, a fee of one anna in the rupee on the amount or value of the property which constitutes the subject of dispute.

No suit to be received until the fees be paid.

Second.—They shall not receive any such suits until the prescribed fees shall have been paid.

The payment to be endorsed on the petition.

Third.—They shall endorse on the petition the amount of the fee and the date of the receipt and sign the endorsement.

What matters are to be stated in the plaint.

XVII. The plaint shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the total amount or value of the property claimed and all material circumstances which may elucidate the transaction.

The insertion of irrelevant matter in the plaint to be restrained.

Plaint to be signed, numbered and dated.

A register book to be kept what to contain, to be inspected yearly by the Judge.

XVIII. It shall be the duty of the District Moonsif to prevent the insertion in the plaint of any irrelevant matter. The plaint shall be signed and numbered, and dated in the order in which it may be received by the Moonsif; and the number of the suit, the names of the parties, the date on which the petition is received, the amount claimed, and the subject matter of the suit, the date and abstract of the decree, the date on which copies of the decree were furnished or tendered to the parties and the amount of the institution fee, shall be entered in a book to be kept by the Moonsif according to the form No. 3 of the appendix. The Zilla Judge shall inspect these register books at least once a year, with a view to ascertain that depending suits are brought to a hearing according to their order on the file and shall require the District Moonsif to transmit them to the Court for this purpose.

What notice to be served on the defendant.

XIX. *First.*—When the complaint shall have been thus received and entered in the book the District Moonsif shall cause to be served on the defendant a written notice under his seal and signature containing only the number of the suit, the names of the parties and a short statement of the demand, and requiring the defendant to attend in person or by vakeel, and to deliver an answer to the plaint on or before a certain day which must be specified in the notice.

To whom the notice is to be delivered.

Second.—The District Moonsif shall deliver the notice to the plaintiff or to his vakeel, and the plaintiff may either himself serve the notice on the defendant or through any other person whom he may choose to employ for that purpose; provided, however, that the name of the person intended to be employed in this duty be in all cases endorsed on the notice by the District Moonsif previously to its being delivered to the plaintiff or his vakeel for execution.

And how it is to be served.

Third.—The person through whom this notice may be served shall require from the defendant a written acknowledgment, to be endorsed on the back of the notice, signifying that it has been duly served upon him and he shall further cause some of the defendant's neighbours or other inhabitant, to witness the due execution of the service and he shall at all times state in his report the name or names of such witness or witnesses.

Under certain circumstances the cause to be tried *exparte.*

XX. If a defendant who may have been served with a notice shall not appear in person or by vakeel within the time specified and the Moonsif shall be satisfied that the notice was duly served, or if the defendant having appeared shall refuse to answer the plaint the District Moonsif shall proceed to try the cause *exparte*; and after examining the plaintiff's evidence

in support of his claim, the District Moonsif shall give judgment in the same manner as if the defendnat had appeared and answered to the plaint.

The absence of the defendant or his refusal to acknowledge the service how to be certified.

XXI. *First.*—In cases in which a defendant to whom a notice may have been issued may abscond or conceal himself, or cannot after diligent search be found or shall refuse to give the required written acknowledgment, the person entrusted with the execution of the process shall certify the same on the back of the notice and shall require some person or persons being neighbours of the defendant to attest the same.

In such cases proclamation to be issued.

What it shall contain.

Second.—When a return to this effect is made the District Moonsif shall cause a proclamation written in the current language and character of the country, to be affixed in a conspicuous part of his own cutcherry and a copy of the same on the outer door of the defendant's usual place of residence or some other conspicuous place near it. The proclamation shall contain a copy of the original notice, and shall state that if the defendant do not appear in person or by vakeel within the period of fifteen days from the date of the proclamation, the suit will be brought to a hearing and determined without the appearance or answer of the defendant.

If the defendant do not attend within the time limited in the proclamation, the suit is to be tried *exparte*.

Third.—If the defendant shall still not appear in person or by vakeel, the District Moonsif on the expiration of the period limited in the proclamation shall proceed to try and determine the suit *exparte* as is prescribed in section XX of this Regulation.

Moonsifs prohibited requiring security from defendants.

Empowered in certain cases to attach their property to the amount of the claim.

XXII. In suits depending before them the District Moonsifs are hereby strictly prohibited from requiring security of any kind from the defendants; if the Moonsif shall be satisfied by sufficient proof that the defendant intends to abscond and to withdraw himself from the jurisdiction of the court or that he means to dispose of the property in his possession for the purpose of avoiding the execution of an eventual judgment against him, the District Moonsif is hereby empowered to attach the defendants property to the amount of the claim, and to hold it in attachment till the decree is satisfied.

Defendant to file an answer to the plaint any time before the plaintiff's evidence be received.

XXIII. When the defendant shall attend either in person or by vakeel within the period limited in the notice or proclamation or at any subsequent period before the plaintiff's evidence or proofs shall have been received in the case, he shall be allowed to take a copy of the plaintiff's petition and to file his answer to the complaint.

Moonsifs to prevent the insertion in the answer of irrelevant matter.

No further pleadings to be admitted.

XXIV. It shall be the duty of the District Moonsifs to restrain and discourage as much as possible the insertion in the answer of any matter evidently irrelevant to the suit. But the defendant shall state in his answer all that he has to say regarding the case and no further pleadings shall be admitted.

Suits to be tried according to their order on the file.

Proviso.

XXV. The District Moonsifs shall try all suits depending before them in the order in which they have been filed or numbered, provided, however, that the Zilla Judge be at all times authorized either upon a report from the Moonsif or upon other grounds of information to direct the Moonsif to bring any particular suit or suits to a hearing and determination without attending to the regular order of the file.

Notice to be affixed in the cutcherry, if the parties are absent on the day fixed for the trial.

Mode of proceeding if either party still fail to attend.

Proviso.

XXVI. *First.*—In cases in which the answer shall have been filed and the parties or either of them shall fail to appear in person or by vakeel at the time when the suit is first called over for trial, the District Moonsif shall suspend the trial and shall affix in some conspicuous place in his cutcherry a notice that the suit will be again called over for trial after the expiration of a fixed period not being less than ten days. If the plaintiff shall not appear before the District Moonsif in person or by a vakeel duly authorized within the limited time, the District Moonsif shall dismiss his claim; if the defendant shall not so appear by the prescribed time, the District Moonsif shall proceed to try the cause *exparte*.

For cases which may be dismissed without an investigation of the merits.

Second.—Provided however that if the suit be dismissed without an investigation of the merits and either of the parties shall appeal from the decision of the Moonsif, it shall be the duty of the Court trying the appeal to determine the case on its merits or to remand it back to the Moonsif by whom it was dismissed or to any other competent authority for a further investigation.

Rules for the trial of suits depending before the Moonsifs.

XXVII. The District Moonsifs are to try the suits depending before them by hearing the pleadings of the parties, by examining their documents and by taking the deposition of their witnesses in the presence of the parties or of their vakeels duly constituted; or, if either party is willing to let the cause be settled by the oath of the other, the District Moonsif shall give his decision according to such oath.

XXVIII. *First.*—If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the Moonsif and such witnesses shall not attend at the requisition of the parties, the District Moonsif is authorized to summon as witnesses any persons subject to his jurisdiction excepting women whose rank or caste may be such as to render it improper to require their appearance in public; when the evidence of such women is necessary, it is to be taken in the mode prescribed in clause fifth, section XVI, Regulation I, 1816.

Moonsifs authorized to summon witnesses who may not attend on the requisition of the parties. Exception.

Second.—The summons shall specify the number of the suit on the file, the name of the party at whose request it may be issued, and the names and residence of the witnesses, and shall require them to appear at the cutcherry of the District Moonsif on a specific day and there to depose concerning the matter in dispute between the parties.

What the summons shall contain.

Third.—The District Moonsif shall deliver the summons to the party applying for it, or to his authorized vakeel, and such party or vakeel may either serve the summons himself or through any other person whom he may choose to employ for that purpose; provided, however, that the name of the person intended to be employed in this duty be in all cases notified to the Moonsif and endorsed on the summons previously to its being delivered to the party or his vakeel for execution.

Mode on which the summons shall be served.

XXIX. *First.*—If any person upon whom a summons may have been duly served shall not attend on the day appointed, the Moonsif is authorized to attach any property belonging to such person which may be found within his own jurisdiction. If after a reasonable time subsequent to such attachment, the person summoned shall still omit or refuse to attend and it shall satisfactorily appear by the oath of the party requiring his evidence that the testimony of such person is material to the cause, the Moonsif shall report the circumstances of the case to the Zilla Judge who will exercise his discretion in issuing such further process in order to compel the appearance of the witness before the Moonsif as might be issued under the Regulations if the suit were depending before the Judge.

The property of witnesses who may not attend on being duly summoned to be attached. Moonsifs how to proceed if they still do not attend. Further process to be issued by the Judge.

Second.—If notwithstanding this further process the attendance of the witness cannot be obtained, the Judge shall at his discretion impose on such witness a fine not exceeding in any case the value or amount of the property in dispute; such fine shall be realized by the Moonsif under the provisions made for the execution of decrees by this Regulation.

If such process be insufficient witness to be fined.

Third.—In cases in which a witness duly summoned may attend before the Moonsif but shall refuse to give his evidence or to subscribe his deposition the Moonsif shall impose such fine upon him as may appear proper; the District Moonsif is however strictly prohibited from realizing such fine, if it exceed ten rupees, by his own authority without first reporting the circumstances of the case to the Zilla Judge who will either remit or modify or confirm the fine imposed by the Moonsif, who will proceed to realize it if confirmed or modified as is prescribed in the preceding clause.

Refusing witnesses to be fined by the Moonsif.

XXX. *First.*—If any District Moonsif shall require the evidence of a person not subject to his jurisdiction, but who may reside in the same Zilla, and such person shall not attend at the requisition of the parties, the Moonsifs shall make a written application to the Moonsif within whose jurisdiction such person may reside who will issue the necessary process for procuring his attendance.

Witnesses residing in other jurisdictions how to be summoned.

Second.—If the residence of a witness shall be in another Zilla, the Moonsif is hereby authorized and required to transmit to the Judge of his own Zilla any written interrogatories which he may think necessary or which may be suggested by the parties or their vakeels in the suit; on receipt of such written interrogatories, the Judge will proceed to obtain the evidence of the witness in the mode prescribed in section VII, Regulation III, 1802.

Cases in which evidence may be taken in written interrogatories.

Third.—The Moonsifs are enjoined to take the depositions of witnesses attending before them with all due expedition so that they may not be exposed to any vexatious delay or unnecessary detention from their respective homes and employments.

Witnesses not to be detained longer than may be necessary.

XXXI. The District Moonsifs shall administer to witnesses such oaths as may be considered most binding on their consciences according to their respective religious persuasions. But if the witness shall be of a rank which according to the prejudices of the country would render it improper to compel him to take an oath, the Moonsif may dispense with his being sworn and in lieu thereof cause him to subscribe a solemn declaration under the rules prescribed in section VII, Regulation III, 1802.

The evidence of witnesses to be taken on oath or on a solemn declaration.

The declaration may be dispensed with by the consent of the parties.

XXXII. The District Moonsifs are at all times authorized to cause the examination of a witness to be taken on a solemn declaration, or even without such solemn declaration, whenever the parties in the suit or their respective vakeels may agree to such witness being so examined.

Depositions of witnesses to be committed to writing if the claim exceed twenty rupees.

XXXIII. *First.*—It shall be necessary to take the depositions of the witnesses in writing only when the claim shall exceed twenty rupees.

Questions irrelevant or suggesting a particular answer to be avoided.

Second.—In the examination of witnesses the Moonsifs are enjoined to prevent the parties and their vakeels from putting to them questions suggesting a particular answer or on points evidently irrevelant to the matter in dispute.

What is to be contained in the deposition of a witness and how it is to be attested.

XXXIV. The deposition of every witness shall commence by specifying the name, the father's name (or if the deponent be a married woman, the name of her husband) the religion, caste, profession, age and place of residence of the deponent, and shall be subscribed by the witness with his or her name or mark.

Exhibits on suits before Moonsifs not liable to fees or stamp duties.

No exhibits to be admitted which are not written on the prescribed stampt paper or cadjan.

XXXV. *First.*—No fees shall be levied on exhibits filed before the District Moonsifs, and exhibits shall be received in suits depending before them without any written application for that purpose. The Moonsifs are prohibited from admitting or filing as an exhibit or from receiving in evidence any obligation, instrument, bond, deed, or document, whether it be the original or a copy of a description which is or may be required to be written on stampt paper or stampt cadjan, unless it shall have been duly executed on stampt paper or stampt cadjan of the description and value prescribed by the Regulations.

Copies of Regulations in force regarding stampt paper or cadjans to be furnished to the District Moonsifs.

Second.—Copies of all Regulations in force regarding stampt paper and stampt cadjan shall be furnished by the Zilla Judges to every District Moonsif in their respective Zillas for their guidance.

Exhibits to be dated, signed, marked, and referred to in the proceedings.

Third.—When an exhibit is filed in a suit before the District Moonsif, it shall be dated and signed or sealed by him and shall be marked with some letter or number to identify it ; and such letter or number shall be distinctly referred to in those parts of the depositions of the witnesses or of the proceedings or of the decree which may allude to such exhibit.

The decision is to be passed after consideration of the pleadings, exhibits and evidence.

XXXVI. When the parties have been heard and the exhibits received and considered and the witnesses on both sides examined, the District Moonsifs shall give judgment according to justice and right.

What shall be contained in the decree.

Cost sand damages to be awarded in suits litigious or vexatious.

XXXVII. The decree shall specify the names of the parties and the names of the witnesses examined, and the titles of the exhibits read ; it shall also contain an abstract statement of the material facts alleged in the pleadings of both parties and the reasons on which the decision may be passed. It shall state specifically the amount or value of the matter adjudged and the amount of the costs or damages payable by the parties respectively. If any claim shall appear to the District Moonsif to be litigious and vexatious he shall adjudge suitable costs and damages against the plaintiff and insert the same in the mode above directed in the decree.

Two copies of the decree to be tendered to the parties, the date of the tender or the cause of the non-delivery to be certified by the Moonsif on the back of the copies.

XXXVIII. *First.*—When the decision shall have been thus passed, the District Moonsif shall cause two copies of it to be prepared and, after attesting them with his seal and signature, shall, within one week after the date of the decree, tender the said copies in open cutcherry both to the plaintiff and defendant or to their vakeels respectively ; he shall endorse on the said copies the date on which they may be tendered to the parties in open cutcherry and if either or both of the parties shall fail to attend, or shall refuse to receive the copies so tendered, he shall certify the same on the back of the copies.

Penalty for falsifying the date and purport of the endorsement and for keeping back copies of the decrees from either of the parties.

Second.—Any District Moonsif who may be guilty of wilfully misstating or falsifying or of causing to be misstated or falsified the date and purport of the endorsement above directed to be written on the copies of the decrees, or of keeping back such copies of decrees from either of the parties with the view of opposing a bar to their right of appeal, shall on proof thereof to the satisfaction of the Provincial Court be liable to dismission from office and to such discretionary fine to Government as may be deemed proper by that Court.

Stampt paper not required in the proceedings in any suit before Moonsifs.

XXXIX. The copies of decrees above directed to be tendered to the parties by the District Moonsifs shall not be written on stampt paper, nor are the plaint answer or any part of the proceedings of any suit before the District Moonsif required to be written on stampt paper.

XL. If a party, vakeel, or witness in any depending suit shall be guilty of disrespect to the District Moonsif in open court, the Moonsif is empowered to impose a fine not exceeding one rupee on the party, vakeel or witness so offending and, if the offender shall refuse or be unable to pay the fine, to commute such fine at his discretion for twenty-four hours confinement in the village choultry.

Moonsifs may fine parties, vakeels or witnesses for disrespect.

XLI. *First.*—The District Moonsif shall transmit to the Judge on or before the 5th of each month a report of all the suits decided by them in the preceding month, drawn up according to the annexed form No. 4 of the appendix. These reports shall be accompanied by all the original papers and documents in the case that they may be deposited among the records of the Court

Monthly report of suits decided to be sent to the Zilla Judge.

Second.—The District Moonsifs shall likewise transmit on or before the 15th of January and 15th of July of each year a report of the causes depending before them on the 1st January and 1st July, drawn out according to the annexed form No. 5 of the appendix.

Half-yearly reports of depending suits to be sent to the Zilla Judge.

Third.—The required monthly and half-yearly reports shall be inclosed in a cover addressed to the Zilla Judge and sealed with the seal of the District Moonsif; the packet shall be forwarded to the Judge either by the public dawk (the officers of which are hereby required to receive and convey such packets free of postage) or by a servant of the Moonsif; or the Moonsif may deliver it to the nearest Police officer who shall give a receipt for it and convey it to the Judge.

Both reports to be in a sealed cover.

The packet how to be forwarded.

XLII. The District Moonsif shall have authority to carry his decrees into execution.

The District Moonsif empowered to enforce his decrees.

XLIII. In suits for land of the description specified in clause second, section XI of this Regulation, the annual produce of which shall not exceed two Arcot rupees; in suits for land of the description specified in clause third, section XI of this Regulation the annual produce of which shall not exceed twenty Arcot rupees; and in suits for real property not of the description abovementioned, and for sums of money or other personal property, the amount or value of which shall not exceed twenty Arcot rupees, the decision of a District Moonsif shall be final.

Cases in which the District Moonsif's decree shall be final.

XLIV. If the suit shall have been regularly appealed, the execution of the District Moonsif's decree shall be suspended or otherwise according to the orders he may receive from the Zilla Judge.

Mode of proceeding where an appeal may have been admitted.

XLV. Whenever a party who may have obtained a decree in the Court of District Moonsif shall be desirous of having it enforced, he shall present a petition to the Moonsif either in person or thro' his vakeel; it shall state the number of the suit, the names of the parties, the date of the decision and the total amount or value of the matter which may have been adjudged to the petitioner, either on account of the original claim, or of costs of suit; the petition shall further state, whether an appeal has or has not been admitted from the Moonsif's decision.

Mode of obtaining the execution of a decree passed by the District Moonsif.

XLVI. In cases not appealable, and in cases appealable but which have not been appealed, if the defendant shall not discharge the sum decreed against him within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or their vakeels, the District Moonsif shall on the petition of the party in whose favor the decree has been passed, cause his decree to be executed, if it be for real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property, or a sum of money, by causing the specific thing to be delivered, or the value of it or the sum of money decreed to be levied by the public sale by auction of a sufficient portion or, if requisite for the satisfaction of the decree, the whole of the lands, houses and all effects either real or personal belonging to the party against whom the judgment may have been given, or by the attachment of his person, or, when it may be necessary, both by the sale of his property and effects, and the attachment of his person.

The cases stated in which the Moonsif is to enforce his decrees.

Process to be observed.

XLVII. On the attachment of the person of any party in satisfaction of a decree, the District Moonsif shall send him within twenty-four hours from the time of such attachment under proper charge to the Zilla Judge, to be confined in the Zilla Jail; he shall as soon after as possible send to the Zilla Judge a statement of the amount levied by the sale of his effects and of the balance still due by him.

Persons secured in satisfaction of decrees to be sent to Zilla Judge.

XLVIII. *First.*—In cases where a District Moonsif shall attach property in satisfaction of a decree, he shall notify the day fixed for the sale by auction of such property by a written notice to be affixed fifteen days previously to the day of sale at his cutcherry and at some conspicuous place in the village where the property under attachment may be situated.

Fifteen days notice to be given of sales of property attached in satisfaction of decrees.

Second.—The District Moonsifs shall keep registers of all sales by auction in satisfaction of decrees; the registers shall specify the day of sale, the particulars of property sold, its amount, and the name and residence of the purchaser.

Registers of such sales to be kept by the District Moonsifs.

XLIX. Resistance to the sale or transfer of property attached in execution of a decree passed by a District Moonsif, shall be considered a breach of the peace and shall be liable to be punished as such.

Resistance to such sales liable to be punished as a breach of the peace.

L. The District Moonsifs shall be entitled to receive a commission of one anna in each rupee on the proceeds of sales in satisfaction of decrees passed by them, and likewise on the proceeds of all sales which may be made in carrying into execution the decrees of Village Punchayets under the provisions of clause second, section XVI, Regulation II, 1816.

The District Moonsif to receive a fee on sales.

LI. The District Moonsifs shall be authorized to realize the amount of fines which may be imposed by them by the attachment, and sale, if necessary, of the property of the offending party.

Fines how to be realized.

LII. The District Moonsif on or before the fifth of each month shall transmit to the Zilla Judge all fines which he may have levied or which he may have received from the Village Moonsifs during the preceding month, accompanied by separate lists stating the names and situations of the parties from whom such fines have been levied, and the reasons for which the fines were imposed.

To be sent monthly to the Judge.

LIII. *First.*—In appealable suits any person dissatisfied with the decision of a District Moonsif shall be at liberty to appeal from it to the Zilla Judge, provided the petition of appeal be on stampt paper and presented with the institution fee thereon within thirty days after the date on which copies of the decrees may have been furnished or tendered to the parties or to their vakeels in conformity with section XXXVIII of this Regulation; a discretionary power, however, is vested in the Judge of admitting appeals from decisions of the District Moonsifs although the petitions may not be presented within the prescribed period, if the appellant shall shew satisfactory cause for not having before presented the petition.

Mode of admitting appeals from decisions of District Moonsifs.

Second.—All petitions of appeal from decisions of the District Moonsifs are to be presented to the Judge of the Zilla in which the Moonsifs may officiate, and the Moonsifs are prohibited from receiving any petitions of appeal from their own decisions.

Petitions of appeal to be presented to the Zilla Judge.

Third.—All petitions of appeal from decisions of District Moonsifs are to be presented by the appellant in person, or by one of the authorized vakeels of the Zilla Court; and if the appeal shall be admitted and the appellant and the respondent shall not plead their cause in person, their respective vakeels are to be allowed the same fees as in other suits tried before the Judge.

How such petitions are to be presented.

Fourth.—Decisions of the District Moonsifs are not to be setaside for want of form or for irregularity in their proceedings but on the merits only.

Decisions of Moonsifs not to be set aside for want of form.

Fifth.—When an appeal may be received from the decision of a District Moonsif, the Zilla Judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security, within a reasonable period to be fixed by the Judge, to perform the decree of the Court

In what cases the Judge may suspend the execution of the decrees by Moonsifs from which an appeal may be admitted.

Sixth.—The decisions of Zilla Judges on appeals from decrees passed by District Moonsifs shall be final.

His decisions thereon final.

LIV. The Zilla Judges may for any reason that may appear to them sufficient bring up for trial before them or their Registers or the Sudder Ameens any causes that may be depending before the District Moonsifs.

Suits depending before Moonsifs may be tried by the Judge or referred for trial to other tribunals.

LV. Upon the death, removal or resignation of any District Moonsif, the Zilla Judge shall if necessary immediately nominate another person in his room for the approbation of the Provincial Court, and shall cause all papers in the causes depending before the late Moonsif to be delivered over to his successor, or otherwise to be disposed of as circumstances may require.

When a vacancy may occur in the office of Moonsif, the Judge to nominate a successor.

LVI. *First.*—The Zilla Judges may refer any plaint received by them for trial and decision to any District Moonsif within their respective Zillas whether for real or personal property of the value or amount specified in section XI of this Regulation.

Zilla Judges may refer suits of an amount stated for decision to the District Moonsif.

Second.—In the trial of such suits the District Moonsifs shall be guided by the rules prescribed in this Regulation for their conduct in original suits cognizable by them as District Moonsifs.

Rules to be observed in the trial.

District Moonsif may hear and determine all suits referred by both parties.

To what amount.

LVII. *First.*—The District Moonsif is authorized to hear and determine as arbitrator all suits which may be voluntarily referred to him by both parties whether for real or personal property of the value or amount specified in section XI of this Regulation.

Institution fee to be levied in such suits.

Second.—In suits referred to District Moonsifs under the preceding clause an institution fee of one anna per rupee on the amount or value of the property in dispute shall be levied from the plaintiff and the District Moonsif is prohibited from receiving the suit until the fee has been paid.

Bond to be taken from the parties.

Third.—The District Moonsif, in cases referred to him under the preceding clauses, shall take from the parties a bond agreeing to abide by his decision; such bond shall be executed in his presence and be attested by two credible witnesses.

District Moonsif by what rules to be guided in hearing and determining the suit above specified.

Fourth.—The District Moonsif in hearing and determining the suits above specified shall be guided by the same rules as have been prescribed for his conduct in trying suits preferred to him under section XI of this Regulation so far as those rules may be found applicable.

No appeals open from decisions in such suits except in cases of partiality or corruption.

LVIII. No appeal shall be permitted from decisions passed by District Moonsifs under the preceding section; but if a District Moonsif shall be guilty of corruption or gross partiality, it shall be at the option of either party to bring the matter by petition on the prescribed stampt paper under the notice of the Judge of the Zilla who, provided the petition be presented within thirty days after the date in which copies of the decrees may have been furnished or tendered to the parties or to their respective vakeels, and provided the partiality or corruption charged against the Moonsif be established to his satisfaction by the oaths of two credible witnesses, shall annul the decree and the parties shall be at liberty to have recourse to another Moonsif or to any competent jurisdiction.

Decree to be annulled on proof of corruption or partiality.

The institution fee in suits to be paid to the Moonsifs.

On decisions on the merits and Razeenamahs.

Salary also to be allowed.

LIX. *First.*—As a compensation to the District Moonsifs for their trouble and for the expense of such establishment as may be necessary for the discharge of their official duties on their passing a decision upon the merits of any suit before them or upon any suit depending before them being adjusted by Razeenamahs of the parties, and in these two cases only, they shall receive from the Zilla Judge the fee of one anna per rupee paid on the institution of such suit. The Governor in Council will further sanction such salary in addition thereto as may appear requisite for the encouragement of well qualified persons to hold the office of District Moonsifs and to perform the duties of it with diligence and fidelity.

The institution fees received to be sent monthly to the Judge with a statement thereof.

Credit to be given for the same and payment to be made on inspection of the monthly report without delay.

Second.—District Moonsifs shall from the month succeeding the receipt of this Regulation, transmit to the Zilla Judge along with the monthly reports required by this Regulation an exact monthly statement of all sums levied and received by them on account of the institution fee, upon all suits instituted before them, and shall at the same time remit the amount of the fees so received by them in the preceding month; the Zilla Judges shall credit in their public accounts the whole of the institution fees so remitted to them and shall without delay pay to the District Moonsifs the amount of the institution fee authorized by the preceding clause.

Moonsifs may be employed in giving possession of real property under decrees.

LX. *First.*—The Zilla Judges are authorized to employ the District Moonsifs in delivering over formal possession of lands, houses, or other real property in conformity with decrees regular or summary.

How to be remunerated in such cases.

Second.—Previously to issuing any instructions to a District Moonsif for the performance of any of the duties described in this section, the Judges shall require either the plaintiff or the defendant according to the circumstances of the case, to pay into court such a sum of money as may be an adequate remuneration to the District Moonsif for his trouble, provided such sum do not exceed the probable expense which would be incurred if an Ameen or a Native Officer of the court were employed in the execution of the same duty.

Such remuneration to be forfeited if guilty of misconduct in such duty.

Third.—The District Moonsif shall be entitled to receive such sum as may have been paid into court under the preceding clause except under circumstances in which he may appear to have performed the duty entrusted to him in a negligent, unjust, or improper manner; in such cases the said sum of money shall be returned to the party who deposited in court.

Moonsifs may be employed to sell personal or real property and to receive a commission on such sales.

LXI. The District Moonsifs may be employed at the discretion of the Zilla Judges in the attachment and sale of personal or real property for the purpose of realizing the amount of fines imposed by the Judge, Register, or Sudder Ameens, or of decrees regular or summary passed by the Zilla Judge, Register, Sudder Ameens, or Village and District Punchayets,

and shall be entitled to receive a commission of one anna in each rupee on the proceeds of such sales.

LXII. *First.*—In all cases of inheritance of or succession to landed property, the Mahomedan laws with respect to Mahomedans, and the Hindoo Laws with regard to Hindoos, are to regulate the decisions of the District Moonsifs; and the District Moonsifs in all such cases are to obtain an exposition of the law from the Law officers of the Zilla Courts, to whom they are to transmit a written abstract of the case for the purpose; such exposition however is not to preclude a further reference to the Law Officers of the Zilla Courts upon such points of law as may arise upon the cause in the event of its being tried in appeal.

By what laws the decisions of Moonsifs are to be regulated.

Exposition of the law how to be obtained.

Second.—In all suits relative to the inheritance of or succession to landed property, the District Moonsifs are to affix in some conspicuous part of their cutcherries a written notification of the claim preferred, with a requisition to all persons who may have any claim to the property sued for to prefer the same within a limited period; and their decisions are to include all claimants to the property in question who according to the law of the parties, whether Musulmans or Hindoos, have a just and legal title to share therein.

Notification to be issued in suits relative to the inheritance of or succession to landed property.

And all claimants to be included in the decision.

APPENDIX.

[*Not printed.*]

A.D. 1816. REGULATION IV.

A Regulation for authorizing District Moonsifs to assemble District Punchayets for the adjudication of Civil suits for real and personal property without limitation as to amount or value within their respective jurisdictions and for defining the powers and authority to be vested in such District Punchayets. Passed by the Governor in Council of Fort St. George on the

I. It being desirable with a view to diminish the expense of litigation and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering justice to their neighbours, that Civil suits between the native inhabitants of the territories, subject to the Presidency of Fort St. George, should be referred for adjudication to assemblies denominated Punchayets, and that for the purpose of facilitating such reference, the District Moonsifs should be authorized to summon a Punchayet on the application of both parties in a suit, and to refer such suit to be heard, tried and determined by such Punchayet, and it being deemed expedient to protect members of District Punchayets from being called to account for their conduct in the performance of these duties except on charges of corruption, the Governor in Council has enacted the following rules.

Preamble.

II *First.*—District Moonsifs are hereby declared to be authorized to summon Punchayets within their respective jurisdictions for the decision of suits for real and personal property without limitation as to amount or value in the two following cases.

District Moonsifs authorised to summon Punchayets within their respective jurisdictions for the decision of suits for real and personal property of any amount or value.

Second.—In suits where both plaintiff and defendant may jointly agree that the matter at issue shall be determined by a District Punchayet without appeal and may prefer a request in writing to the District Moonsif to summon a Punchayet, whether he be the Moonsif of the district in which the parties reside or of any other district, or where one party having preferred a request in writing to the District Moonsif to summon a Punchayet the other party being an inhabitant of the same district, on being summoned by the District Moonsif, shall attend and voluntarily give his assent in writing to the District Moonsif agreeing to that mode of trial.

Proviso.

Third.—Provided, however, that in the cases specified in the preceding clause of this section the cause of action have arisen within twelve years previous to the institution of the suit or that the plaintiff do shew by clear and positive proof, either that he had demanded the money or matter in question and that the defendant had admitted the justice of the demand, or that he had directly preferred his claim within the period abovementioned to a competent authority, and in such case, that he assign satisfactory reasons to the Punchayet, why he did not proceed in the suit, or prove that from minority or other good and sufficient cause he was precluded from obtaining redress.

No such suits to be entertained when the cause of action shall have arisen twelve years before the commencement of the suit.

Exception to the rule.

III. *First.*—The District Punchayet shall always consist of an odd number, never less than five, nor more than eleven, and the majority shall decide; the District Punchayet shall sit at the station where the District Moonsif's Court is held.

Punchayet to consist of an odd number.
Majority to decide.
Where to sit.

Second.—The District Punchayet shall be composed of the most respectable inhabitants of the District who shall be called upon to serve in rotation; and any native inhabitant refusing to serve on a District Punchayet, shall be liable to be fined at the discretion of the District Moonsif in a sum not exceeding ten Arcot rupees which shall be levied if necessary by the District Moonsif under the provisions of section LI, Regulation III, 1816.

Of whom to be composed.
Refusing inhabitant liable to fine.
How to be levied.

Third.—Any respectable inhabitant of a neighbouring district may be placed on a District Punchayet, if he be willing to undertake the duty.

Inhabitant of a neighbouring District may be placed on a Punchayet.

Fourth.—When the parties in suits are of different castes or professions, the district Moonsif shall in all practicable cases name an equal number of persons of the caste or profession to which each party may belong, to compose a part of the District Punchayet, and shall complete the Punchayet by the selection of a person or persons belonging to a caste or profession different from that of both the parties.

When the parties are of different castes how the Punchayet is to be formed.

Fifth.—If either party shall object to any one or more of the members nominated to compose the District Punchayet, and the District Moonsif shall consider such objections to be well grounded, he shall withdraw the members objected to and appoint others to serve in their stead.

Challenged members to be withdrawn.

Sixth.—When the parties may desire it, they shall each name two members and the District Moonsif shall name another person, who may be unobjected to by the parties to form the Punchayet. But on all other occasions the whole shall be nominated by the District Moonsif; the practice of the parties naming two members each, shall never be allowed when it can be avoided.

When the parties consent, each to name two members and the Moonsif one.
In other cases the Moonsif is to name the whole Punchayet; parties naming two each, to be avoided if possible.

IV. *First.*—The district punchayet being formed as prescribed in the foregoing section shall be assembled by the written summons of the District Moonsif and shall proceed to investigate the matter referred to them in conformity to the following rules.

How the Punchayet is to proceed.

Second.—The District Punchayet shall commence their proceedings by requiring from the parties an agreement in writing to abide by the decision of such Punchayet, whose names shall be inserted in the agreement, which shall be witnessed by the District Moonsif and any two respectable inhabitants and dated on the same day.

An agreement to be taken from the parties to abide by the decision of the Punchayet.

Third.—Vakeels for plaintiffs and defendants shall be admitted to plead before District Punchayets, provided that every person so appearing as a vakeel be a relative, servant, or dependant of the person by whom he may be employed, and provided he be furnished with a Vakalutnamah describing his relation to his employer and the matter in which he is empowered to act, and such Vakalutnamah shall be exhibited by the vakeel before he be permitted to do any act in the suit.

Vakeels to be relatives, servants or dependants of the parties employing them.
To be furnished with Vakalutnamahs.

Fourth.—The parties being present in person or by vakeel, the District Punchayet shall receive the written plaint of the complainant, which shall state precisely the grounds of complaint, the time when the cause of action arose, the name and residence of the person or persons complained against, the value or amount of real or personal property claimed and all material circumstances which may elucidate the transaction.

Plaint to be received in presence of the parties or their vakeels.
What it is to contain.

Fifth.—The plaint shall be read to the defendant or his vakeel, and the defendant or his vakeel shall be required by the Punchayet to give in his answer, either immediately if he shall be prepared to deliver it, or on a day to be fixed which shall not be later than one week from the reading of the plaint.

Plaint to be read to the defendant.
Answer to be required.

Sixth.—The defendant shall state in his answer all that he has to say regarding the case and no further pleadings shall be admitted.

Answer to state every thing regarding the case, no further pleadings to be admitted.

Seventh.—The District Punchayet, after the answer has been given in, shall receive from the plaintiff and defendant their exhibits and lists of their witnesses, and shall fix an early day for the trial with reference to the convenience of the parties and witnesses respectively.

Exhibits and lists of witnesses to be then received and a day to be fixed for the trial.

Eighth.—The District Punchayet shall immediately communicate the lists of witnesses and the day fixed for the trial to the District Moonsif who shall require the witnesses to be in attendance on that day.

Lists of witnesses and the day fixed for trial to be communicated to the District Moonsif.
How he is to proceed.

Ninth.—The parties and witnesses being in attendance on the prescribed day, the District Punchayet shall proceed to take the depositions of the witnesses in the manner usual in the caste to which they may respectively belong, on separate papers or cadjan leaves; in all cases in which the matter at issue may exceed the value or amount of one hundred Arcot rupees, the deposition shall be read over to the witness who shall then subscribe the deposition with his or her name or mark.

How the depositions of witnesses are to be taken.

In what cases to be committed to writing.

Tenth.—In cases in which the matter at issue may be of smaller amount or value than one hundred Arcot rupees, it shall be discretionary with the District Punchayet to take the depositions of the witnesses in writing or not.

In other cases Punchayet to use its discretion.

Eleventh.—The District Punchayets are authorized to cause an oath to be administered to witnesses in cases where they may deem it necessary.

The Punchayet authorised to cause an oath to be administered to witnesses when necessary.

Twelfth.—The District Punchayets shall not put a question to any witness suggesting a particular answer and shall, previous to the examination of a witness, inform him that they have authority to cause an oath to be administered to him when they may think he is not giving his evidence correctly, which authority the District Punchayet shall exercise at their discretion.

Questions suggesting a particular answer not to be put.

Oath to be administered to witnesses at the discretion of the Punchayet.

Thirteenth.—If the parties or either of them shall fail to appear in person or by vakeel at the time fixed for the trial, the District Punchayet shall suspend the trial and report it to the District Moonsif, who shall cause to be affixed, in some conspicuous place of the village wherein the defaulting party may reside, a notice specifying that the suit will be tried on a given day which shall not be less than five days from the date of the notice.

Trial to be suspended on the non-appearance of the parties or either of them

To be reported to the District Moonsif.

Notice to be fixed what containing.

Fourteenth.—If the plaintiff shall not appear at the time fixed in the notice, the District Punchayet shall dismiss his suit and award him to pay all the expenses which may have been incurred by the defendant and by the witnesses of both parties in their attendance on the Punchayet; and the sum so awarded shall be recovered from the property of the defaulting plaintiff in the mode prescribed in section XLVI, Regulation III, 1816, unless he shall immediately pay the amount.

Suit to be dismissed on the non-appearance of the plaintiff

Fifteenth.—If the defendant shall refuse to answer the plaint or shall not attend at the time fixed in the notice, the District Punchayet shall proceed to give judgment on the Plaintiff's vouchers and the evidence of his witnesses.

Cause to be tried *exparte* on the defendant's refusal to answer or non-appearance.

V. In cases where a witness shall neglect to attend, or attending shall refuse to give his testimony or shall be otherwise guilty of disrespect to the District Punchayet; as also, when the evidence of a person is required who resides beyond the jurisdiction of the District Moonsif; as also in the cases of persons whose testimony may be required but whose rank or caste may render it improper to require their attendance; as also when the parties or their vakeels may be guilty of disrespect to the District Punchayet, the Punchayet shall report the circumstances to the District Moonsif who is hereby authorised and directed on receiving such reports to take the same measures for procuring the attendance, or testimony of the witnesses, or for punishing the contempts, as he would have taken under sections XXVIII, XXIX, XXX and XL, Regulation III, 1816, if the circumstances represented had occurred before himself.

What circumstances to be reported to the District Moonsif.

How he is to proceed.

VI. When both parties have been heard and the whole of the evidence has been gone through, the District Punchayet shall order the parties and witnesses to withdraw and shall write their decree according to justice and right.

When the decree is to be written.

VII. The decree of the District Punchayet shall contain the names of the parties and the names of the witnesses examined and the title of the exhibits read; it shall also contain an abstract statement of the principal grounds and reasons on which the decision may be passed. It shall specify the value or amount of the personal property and the value or the annual produce of the real property adjudged; the decree shall bear the signature or mark of the member of the Punchayet and shall be dated on the day on which it is passed. If any claim shall appear to the District Punchayet to be evidently litigious and vexatious, they shall adjudge suitable costs and damages against the plaintiff payable to the defendant and insert the same in their decree.

What the decree is to contain.

VIII. Two copies of the decree shall be prepared by the District Punchayet and shall be put under a sealed cover and delivered to the District Moonsif, who shall require the parties together with the Punchayet to assemble immediately or at a convenient day, not being later than three days from his receipt of the decree; the District Moonsif shall open the seal in presence of the

Copy of the decree to be delivered to each party.

Date of the delivery to be endorsed by the Moonsif.

How to be attested.

Previous to the delivery no communication of the nature of the decree to be made.

parties and shall endorse on each copy of the decree, the date of the delivery thereof, which shall be attested by his signature and the signature of any two members of the Punchayet; the District Moonsif shall then cause the Punchayet to deliver to each party in his presence a copy of the decree, but no communication shall be made to the District Moonsif, or to either party, of the nature of the decree previously to its delivery.

Non-appearance or refusal to receive a copy to be endorsed on it.

And copy so endorsed to be deposited with the District Moonsif.

IX. If either the plaintiff or defendant shall fail to appear in person or by vakeel to receive a copy of the decree, or having attended shall refuse to receive a copy, the District Moonsif shall endorse on the copy intended for such party such omission or refusal, and, noting the date, shall attest the same with his signature which shall be witnessed by any two members of the Punchayet; the copy so endorsed shall be deposited with the District Moonsif to be delivered to the party afterwards claiming it.

Proceedings of the Punchayet to be written by one or more of the members; stamp paper not necessary.

X. The proceedings of the District Punchayet shall be written by one or more of the members; and no stampt paper need be used in the plaint, answer, or any process.

No appeal allowed from the decrees of Punchayets.

In cases of partiality how the party is to proceed.

XI. *First.*—No appeal shall be permitted from decisions passed by District Punchayets under this Regulation; but if the District Punchayets shall be guilty of gross partiality, it shall be at the option of either party to bring the matter, by petition upon stampt paper of the prescribed rate according to the amount of the suit, before the Judge of the Zilla.

Petition only to be received if presented within the period limited.

Second.—The petition shall not be received unless it be presented with the decree complained of within thirty days after the date on which copies of the decree may have been furnished or tendered to the parties or to their vakeels.

When received execution of the decree to be stayed.

Third.—If the petition be received, the Judge shall order the execution of the decree to be stayed pending the inquiry.

Decree to be annulled by the Provincial Court on proof of partiality to their satisfaction.

Fourth.—If the partiality charged against the Punchayet shall be established to the satisfaction of the Judge by the oaths of two credible witnesses at the least, he shall submit his proceedings with his opinion on the case to the Provincial Court of Appeal who, provided the charge be proved by such proceedings to their satisfaction, shall annul the decision; and the parties shall be at liberty to have recourse to another Punchayet or to any other competent jurisdiction.

Decision of a second Punchayet agreeing with that of a former Punchayet in the same suit to be final.

Fifth.—Provided, however, that where the decision of a second Punchayet shall agree with the decision of a former Punchayet in the same suit, it shall be final.

Petitions to the Judge by whom to be presented.

Fee payable to the vakeel presenting them.

Sixth.—Petitions to the Judge of the Zilla under this section shall be presented by the parties in person or by an authorized vakeel of the court to whom a fee of four annas of a rupee shall be allowed and no more; and the parties shall not be subjected to any other charge whatever.

District Moonsifs not to receive or refer to Punchayets any suits for damages.

Exception.

XII. The District Moonsifs shall not receive nor refer to a Punchayet for trial any suit for damages on account of personal injuries or for personal damages of whatever nature, without an order of reference to him from the Zilla Judge.

Rate of interest to be allowed.

XIII. District Punchayets shall not allow in their decrees a larger rate of interest than District Moonsifs are authorized to allow under section XV, Regulation III, 1816.

By what rules to be guided in cases of inheritance of or succession to landed property.

XIV. In all cases of inheritance of or succession to landed property, District Punchayets shall be guided by the rules prescribed in section LXII, Regulation III, 1816.

As also with respect to the admission of obligations, deeds and documents.

XV. In respect to the admission of obligations, deeds, and documents, the District Punchayets shall be guided by the rules prescribed in section XXXV, Regulation, III, 1816.

District Moonsifs to carry into execution the decrees of District Punchayets.

Proviso.

XVI. *First.*—Decrees of District Punchayets in cases referred to them under this Regulation shall be carried into execution by the District Moonsif under the rules prescribed in sections XLVII, XLVIII and XLIX, Regulation III, 1816, provided first, that if the suit be for land of the description specified in clause second, section XI, Regulation III, 1816, the annual produce of such land shall not exceed the sum of twenty Arcot rupees; secondly, that if the suit be for land of the description specified in clause third, section XI, Regulation III, 1816, the annual produce of such land shall

not exceed two hundred Arcot rupees; and thirdly, that if the suit be for real property not of the description above mentioned, or for sums of money or other personal property, the value or amount of such property shall not exceed two hundred Arcot rupees.

In all other cases the decrees of District Punchayets to be carried into execution by the Zilla Judge.

Second.—In all other cases the decisions of District Punchayets, shall be carried into execution by the Zilla Judge in the mode prescribed by the Regulations.

Petitions to the Judge praying execution of the decrees of District Punchayets to be written on stampt paper.
Fee to the vakeel presenting the petition.

XVII. Petitions to the Judge of the Zillā praying execution of the decisions of District Punchayets shall be written upon stampt paper of the prescribed rate according to the amount decreed, and shall be presented by the parties in person or by an authorized vakeel of the court to whom a fee of four annas of a rupee shall be allowed and no more, and such application shall not be subjected to any other charge whatever.

Members of Punchayets liable to prosecution for corruption.
Punishment on conviction.
Not liable to prosecution for errors or want of form.
Proviso under which process is to be issued on charge of corruption.

XVIII. *First.*—Any member or members of District Punchayets shall be liable to prosecution in the Zilla Court for corruption in the discharge of their trust by either party in a suit which may have been referred to such Punchayet, and upon proof of the charge to the satisfaction of the Zilla Judge, he shall adjudge the offender or offenders to pay the prosecutor three times the amount or value of the money or property corruptly received with all costs of suit. But members of District Punchayets shall not be liable to be prosecuted for want of form or for error in their proceedings or judgment, nor shall any process whatever be issued against a member of a District Punchayet, unless the Judge shall be previously satisfied by sufficient evidence that there is probable cause to believe that the charge is well founded and unless the charge shall be preferred within three months from the date of the act of corruption complained of.

The party by whom or for whom the corruption is practised to be fined.

Second.—The Zilla Judge shall further fine the party by whom, or for whom the corruption may have been practised, in a sum equal to the value of the thing or sum of money which any member or members of such District Punchayet may be proved to have so corruptly received.

If the corruption be not proved the accused to have damages and costs awarded to him and the party making the groundless charge to be fined.

Third.—If the corruption charged against any member or members of such District Punchayet shall not be proved to the satisfaction of the Zilla Judge, he shall award full costs and such damages to the member or members complained against as may appear to him to be equitable; and he shall levy a fine from the party making such groundless charge not exceeding the value of the thing or sum of money charged to have been corruptly received.

Rates of institution fee to be levied in certain suits.

XIX. *First.*—In suits preferred to District Moonsifs for reference to District Punchayets under the provisions of this Regulation, District Moonsifs are hereby authorised and directed to levy from the plaintiff an institution fee according to the following rates, viz:—

1. On amount or value not exceeding one hundred Arcot rupees, one rupee.
2. On amount or value above one hundred, but not exceeding two hundred Arcot rupees, two rupees.
3. On amount or value above two hundred but not exceeding three hundred Arcot rupees, three rupees, and so on progressively whatever the amount or value may be.

Second.—In suits for land of the description specified in clause second, section XI, Regulation III, 1816, the institution fee shall be calculated on ten times the computed annual produce.

Third.—In suits for land of the description specified in clause third, section XI, Regulation III, 1816, the institution fee shall be calculated on the estimated annual produce of such land.

The amount of fees so directed to be levied to form part of the costs payable by the party cast.

Fourth.—The amount of the fees directed to be levied under the preceding clauses shall be considered as forming a part of the costs, to be paid by the party against whom the decree may be given.

Witnesses entitled to receive batta.
In what period to be received.
Rate to be determined by the District Moonsif.

XX. *First.*—Every witness attending to give evidence before a District Punchayet, shall be entitled to receive batta at a rate not less than one, nor more than four annas of a rupee per diem, from the date of his departure from his village to the day of his return; the rate of such batta to be determined by the District Moonsif with reference to his situation in life.

Batta to witnesses to be paid daily.
By whom.

Second.—The batta to witnesses shall be paid daily under the orders of the District Moonsif by the party on whose behalf they may respectively be summoned.

The batta to witnesses to be paid by the party cast.

Third.—The District Moonsif shall levy from the party cast, and pay to the party in whose favour the decree may be given, the amount of batta which under this section he may have paid to the witnesses summoned on his behalf.

The amount of batta and institution fee to be specified on the back of the decree by the Moonsif.

Fourth.—The amount of the batta to witnesses, together with the amount of the fee paid on the institution of the suit, shall be specified by the District Moonsif on the back of the decree.

What reports and how drawn up are to be transmitted to the Judge.

At what periods.

XXI. Reports of causes tried by and depending before District Punchayets, drawn up according to the forms No. 1 and 2 of the appendix of this Regulation, shall be transmitted by the District Moonsifs to the Zilla Judge at the periods specified in section XLI, Regulation III, 1816.

Institution fees to be transmitted to the Judge.

How to be appropriated.

XXII. The fees to be levied under section XIX of this Regulation shall be transmitted to the Zilla Judge to be appropriated as a compensation to the District Moonsifs under the restrictions specified in section LIX, Regulation III, 1816.

APPENDIX.

[*Not printed.*]

A.D. 1816. REGULATION V.

A Regulation for the appointment of the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens, or Head Native Commissioners for the trial of causes referred to them by the Judges of the Zillas in which those courts are stationed, for confining the office of Sudder Ameen to the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zilla Courts, and for modifying and extending the power of Sudder Ameens in the trial and decision of Civil suits. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. The rules which have been enacted regarding the office of Sudder Ameens or Head Native Commissioners for the trial and decision of causes of a certain amount or value appearing in some instances to require revision, and it being expedient with the view of promoting the speedy trial and decision of Civil suits to appoint the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens in the Zillas wherein those Courts are stationed and to extend the jurisdiction of Sudder Ameens for the trial of referred causes to the amount or value of three hundred Arcot rupees, and it being deemed conducive to the respectability of the office of Sudder Ameen to restrict the appointment to that office to the Hindoo Law Officers of the Provincial Courts and the Mahomedan and Hindoo Law Officers of the Zilla Courts, the Governor in Council has enacted the following rules to be in force throughout the territories subject to the Presidency of Fort St. George.

Regulations rescinded.

II. Sections IX, X, XI, XII and clauses first and second, section XIII, Regulation VII of 1809, and Regulation X of 1809 are hereby rescinded.

Hindoo Law Officers of Provincial Courts and Hindoo and Mahomedan Law officers of Zilla Courts to be Sudder Ameens *exofficio*.

III. The Hindoo Law Officers of the Provincial Courts and the Hindoo and Mahomedan Law Officers of the Zilla Courts shall by virtue of their offices be Sudder Ameens of the Zillas in which those courts respectively may be stationed.

Sunnuds granted to Sudder Ameens to be recalled and cancelled.

IV. The commissions or sunnuds of apppointment which may have been granted to persons holding the office of Sudder Ameen shall be recalled and cancelled.

Oath to be taken by Sudder Ameens.

In certain cases oaths may be dispensed with and solemn declaration to be subscribed.

V. Every Sudder Ameen shall, previously to entering upon the execution of the duties of his situation, take and subscribe an oath according to the form prescribed in No. 1 of the appendix to this Regulation before the Judge of the Provincial or Zillah Court to which he may belong; but the court is empowered, in all cases in which it may deem it expedient, to exempt such Sudder Ameen from taking the oath, and in lieu thereof to cause him to subscribe a solemn declaration to the same effect.

Cutcherries of the Sudder Ameens where to be held.

VI. The Sudder Ameens are to hold their cutcherries at the station where the Zilla or Provincial Court is held in a room belonging to the court house or in such convenient place as the Court may direct.

What original suits may be referred to Sudder Ameens.

VII. The Judges of the Zillas are authorized to refer to the Sudder Ameens any original suits for land exempt from the payment of rent in money or in kind either to Government or to any individual representing Government and receiving its dues, the annual produce of which land shall not exceed thirty Arcot rupees, and for land subject to the payment of rent, in money or in kind either to Government or to any individual representing Government,

and receiving its dues, the annual produce of which land shall not exceed three hundred Arcot rupees, or for other real property not of the description above specified or for sums of money or other personal property the value or amount of which shall not exceed three hundred Arcot rupees.

What suits to be referred to the Hindoo and what to the Mahomedan Law Officers.

VIII. In referring suits for trial to the Sudder Ameens, the Judge shall generally refer such cases as are likely to involve questions of Hindoo Law to the Hindoo Law Officers and of Mahomedan Law to the Mahomedan Law Officers.

Sudder Ameens to investigate suits themselves and not to allow any other person to interfere therein.

IX. The Sudder Ameens are themselves to investigate the suits referred to them in a public cutcherry or court room, and are not to allow their officers, servants or dependants or any other person to interfere therein.

Causes before Sudder Ameens how to be pleaded. Judges to assign vakeels. What Regulations are applicable to vakeels employed in the Sudder Ameen's Court.

X. All causes referred to the Sudder Ameens shall be pleaded either by the parties in person or by an authorized vakeel of the Provincial or Zilla Court to which the Sudder Ameens may respectively belong. The Provincial and Zilla Courts will assign to the Court of each Sudder Ameen such a number of the authorized vakeels as may appear necessary. The whole of the Regulations in force regarding the authorized vakeels of the Provincial and Zilla Courts shall be applicable to the authorized vakeels employed in the Courts of Sudder Ameens.

What other suits may be referred to Sudder Ameens.

XI. In addition to the original suits specified in section VII of this Regulation, the Zilla Judges are empowered to refer to the Sudder Ameens any depending appeals from the decisions of Moonsifs appointed under the provision of Regulation XVI of 1802 and of Regulation VII of 1809, and any appeals which may be made from the decisions of the District Moonsifs appointed under the provision of Regulation III of 1816 which the Judges themselves may be unable to determine with sufficient despatch.

Register to be kept according to what form. What distinction is to be made in the monthly and half-yearly reports.

XII. The Sudder Ameens shall keep a register book according to the form prescribed in No. 2 of the appendix to this Regulation and in their monthly and half-yearly reports they shall carefully distinguish suits referred to them in appeal from suits referred to them for trial and determination in the first instance.

Provisions of section VIII, Regulation III, 1816, applicable to the office of Sudder Ameens.

XIII. The provisions of section VIII, Regulation III, 1816, are hereby declared to be applicable to the Office of Sudder Ameens.

What rules to be observed by Sudder Ameens. Proviso. Sudder Ameens' decrees to be executed by the Zilla Courts. How process is to be issued. Sudder Ameens not to realize the fines imposed by themselves. Report to be made to the Judge. How he is to proceed.

XIV. The Sudder Ameens in trying the causes which may be referred to them by the Zilla Judge are to be guided by the same rules as are prescribed for the trial of suits before the Judge, provided, however, that the decisions passed by Sudder Ameens shall be carried into execution by the Zilla Court, and that every notice, summons, attachment or other process relative to any cause depending before a Sudder Ameen shall be issued under the seal of the Zilla Court, and under the official signature, of the Judge or Register, and shall be executed through the regular officers of the Zilla Courts; provided further that nothing in this Regulation shall be construed to empower the Sudder Ameens to realize by their own authority any fines which they may impose; in such instances they shall report the circumstances of each case to the Zilla Judge who will either remit or modify or confirm the fine imposed by the Sudder Ameen, and will proceed to realize the same under the same rules as are prescribed for the execution of decrees.

What decisions of Sudder Ameens to be final. From what decisions appeals are open.

XV. The decisions of Sudder Ameens on the appeals referred to them under section XI of this Regulation shall be final; but from their decisions in original suits referred under the provisions of section VII of this Regulation, there shall be an appeal to the Zilla Judge under the rules prescribed for appeals from the decisions of the Registers.

Sudder Ameens in what cases to be entitled to the institution fee.

XVI. When original suits or appeals referred to Sudder Ameens may be decided by them on an investigation of the merits of the case or may be adjusted by Razeenamahs of the parties, the Sudder Ameens shall be entitled to receive the amount of the fees paid on the institution of such original suits and appeals.

APPENDIX.

[*Not printed.*]

A.D. 1816. REGULATION VI.

A Regulation for authorizing Collectors to refer disputes regarding the boundaries of lands and of villages to be tried and determined by Village and District Punchayets and for prescribing the rules under which the trial of such disputes shall be conducted and the decisions of the Punchayets carried into execution. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. It is prescribed in section II, Regulation XXXII, A.D. 1802, that, "where proprietors, or "farmers of land, or poligars under farmers, or ryots, or other persons "may have claims to disputed land or crops in the possession of another, "such claimants shall not possess or attempt to possess themselves of the lands or crops by "force, but shall prosecute their claims by suit in the Adalet of the Zilla." This mode of determining the validity of claims so founded, being considered to be less speedy and less satisfactory than is desirable in such cases, and it being deemed expedient that further provision should be made for the investigation and determination of such claims and that Collectors should for that purpose be authorized to refer them for trial and decision to Village and District Punchayets, the Governor in Council has passed the following rules to be in force in the territories subject to the Presidency of Fort St. George.

Village and District Punchayets authorized to hear and determine suits referred to them by Collectors.

II. Village and District Punchayets are hereby authorized to hear and determine such suits as may be referred to them by the Collectors of Zillas under this Regulation through the Village and District Moonsifs.

Vakeels to be relatives, servants or dependants of their employers.

To be furnished with Vakalutnamahs containing what.

III. *First.*—Plaintiffs and defendants shall be allowed to employ a relative, a servant, or a dependant to act in their behalf in suits which may be brought before the Collectors of Zillas under this Regulation, on furnishing the person to be so employed with a Vakalutnamah describing his relation to his employer and the matter in which he is empowered to act.

Vakeels not to act until their Vakalutnamahs have been exhibited.

Second.—Collectors shall not in any case permit any person to act as the vakeel of another, until such person shall have exhibited a Vakalutnamah containing the information required by the preceding clause.

In what cases persons may refer their claims to the Collectors.

IV. *First.*—Persons having claims to lands or crops the validity of which claims may depend on the determination of an uncertain and disputed boundary or land mark, may prefer such claims in person or by vakeel to the Collector of the Zilla in which the lands may be situated.

What the plaint is to contain.

Second.—The plaint shall contain as accurate a description as can be obtained of the land claimed, its position, boundaries, extent, and the value of its estimated annual produce; also whether it be subject to the payment of rent or revenue, or whether it be exempt from any charge on these accounts; also the time when the cause of action arose, the name and, residence of the person or persons complained against, and all material circumstances which may elucidate the transaction.

Summons to the defendant to be issued.

V. *First.*—The Collector on receiving a complaint preferred under the preceding section shall issue a summons to the defendant.

Contents of the summons.

How to be attested.

Second.—The summons shall contain a short abstract of the complaint and shall require the defendant to appear at the cutcherry of the Collector in person or by vakeel on a day specified to make answer to the complaint and shall be attested by the seal of the Collector and his official signature or that of his Assistant.

Summons how to be served.

Third.—The summons shall be served by a single peon of the Collector's establishment.

Peon how to proceed.

Refusal to acknowledge the summons how to be attested.

Fourth.—The Collector's peon shall require the defendant to affix his signature to the summons in acknowledgment of its having been duly served; and in the event of the defendant refusing to affix his signature thereto, the peon shall call upon some of the Village Officers or neighbours of the defendant to witness such refusal and to attest the endorsement of it, which he shall make on the summons and shall return the same to the Collector on or before the day fixed for such return.

Fifth.—If a defendant against whom a summons may issue shall abscond or is not after diligent search to be found, or shall shut himself up in his own or in any house, or building, or retire to any place so that the process cannot be served upon him, and the peon shall return that on such account he has not been able to serve or execute the process, or if he shall refuse to acknowledge the service of the summons, on return being made in the mode prescribed in the preceding clause, the Collector shall cause a writing in the language of the district to be stuck up in some conspicuous part of his cutcherry, containing a copy of the summons and a notice that if the party shall not appear on a day to be specified (which shall not be less than fifteen days from the time that the notice may be fixed up the Collector will proceed without further notice to refer the cause to be tried and determined by a Punchayet of the district in which the disputed lands may be situated, without the appearance or answer of the defendant. The Collector shall likewise order a copy of the summons and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the Village or other place in which he may have generally resided. The peon serving the summons shall return the order with an endorsement stating at what times and places the summons may have been fixed up and such return shall form a part of the record of the Collector's proceedings.

How the Collector is to proceed if a defendant is not to be found or refuse to acknowledge the summons.

Notice to be affixed containing what.

Where the notice is to be affixed.

Return how to be made.

Sixth.—If the defendant shall appear by the time limited in the notice, the Collector shall proceed to investigate the cause of his absence or the circumstance of his refusal to sign the summons, and if it shall appear to the satisfaction of the Collector, that the conduct of the defendant has been contemptuous, he is empowered to punish such contempt by imposing a fine on the defendant according to the circumstances of the case not exceeding ten Arcot rupees; and if such fine be not immediately paid or security given for the payment within a reasonable time, the Collector shall punish such defendant by keeping him in custody in the cutcherry or Cutwal's choultry for a period not in any case exceeding fifteen days, or until the fine shall be paid.

Collector how to proceed if the defendant appear.

Defendant liable to fine for contempt.

Collector how to proceed if such fine be not paid or security given.

Seventh.—On the appearance of the defendant, if he shall appear according to the first summons, or by the time limited in the notice, the Collector shall cause the plaint to be read over to the defendant in presence of the plaintiff and shall demand whether he admit or deny the truth of the complaint. If the defendant shall acquiesce in the truth of the complaint, the Collector shall record such acquiescence at the foot of the plaint and require the defendant to attest the same with his signature in the presence of witnesses, not being servants of the Collector's establishment, who shall also attest the same; and the document shall be countersigned by the Collector, who shall return the document to the complainant together with an order to the Village Moonsif to transfer the lands described in the plaint to the plaintiff or, if the plaint include crops grown on such lands, to cause the crops or the value of them to be restored to the plaintiff by the defendant, and no other proceedings shall be necessary in the cause.

Plaint to be read to the defendant in presence of the plaintiff.

Collector how to proceed on acquiescence in the truth of the plaint.

Eighth.—If the defendant shall deny the truth of the plaint, the Collector shall enquire of the parties whether they mutually consent to have the cause investigated and decided by a Village Punchayet, and upon their agreeing in writing to have the matter investigated and decided by the Punchayet of any particular village, the Collector shall immediately forward the petition or plaint with an order to the Moonsif of that Village to assemble a Punchayet without delay.

Collector how to proceed on the defendant denying the truth of the plaint.

Under what circumstances a Village Punchayet to be assembled.

Ninth.—If either the plaintiff or defendant shall object to the reference of the cause to be tried and determined by a Village Punchayet and either of them shall desire in writing that it may be referred to be tried and decided by a District Punchayet, the Collector, whether the other party agree to such reference or not, shall forward the plaint to the Moonsif of the District in which the disputed property may be situated with an order to assemble a Punchayet within fifteen days from the receipt of such order.

Matter may be referred to a District Punchayet at the request of either party.

Tenth.—If neither of the parties shall agree to the reference of the suit to a District Punchayet, the suit shall be dismissed and the parties shall be at liberty to seek redress from the Zilla Court or any competent jurisdiction.

If neither party agree to the reference the suit to be dismissed.

VI. *First.*—The Punchayets shall be assembled according to the rules prescribed for assembling Village and District Punchayets and their proceedings in cases referred under this Regulation shall be conducted according to the general rules enacted for their guidance with the following qualifications.

Punchayets how to be assembled and their Proceedings how conducted.

On the appearance of only one party the Punchayet to be formed on the challenge of such party; the agreement referred to not required.

Second.—When only one of the parties shall appear before the District Moonsif, the Punchayet shall be formed upon the challenge of such party only and shall proceed to try the suit without requiring the agreement specified in clause second, section IV, Regulation IV, 1816.

Decrees in suits referred by Collectors under this Regulation.

Not to be executed until confirmed by the Collector.

Decrees in what cases to be set aside.

Third.—Decrees of the Village and District Punchayets in suits regarding disputed boundaries, which may be referred to them by the Collectors under this Regulation shall not be carried into execution until confirmed by the Collector, nor shall they be set aside for any other cause than gross partiality on the part of the Punchayet.

Two copies of the decree duly attested to be forwarded to the Collector through the Moonsifs.

Fourth.—When the decree has been framed and two copies of it prepared, it shall be read in the presence of the parties and the two copies shall be sealed up in a packet and delivered to the Moonsif who shall forward it to the Collector sealed as he received it.

What forms to be observed by the Collector on receiving the packet.

What to be considered sufficient warrant for executing the decree.

VII. The Collector shall detain the packet in the state in which he received it for twenty days and if in that time no charge of grosspartiality shall be preferred by either party against the Punchayet, he shall open the packet and afterwards affix his seal and signature to each of the two copies and return them to the Moonsif from whom he received them and such counter-signature and seal of the Collector shall be considered a sufficient warrant for carrying the decree into effect.

How the decree is to be executed.

Copy to be delivered to each of the parties.

VIII. The Moonsif, on receiving the copies of the decree confirmed by the Collector, shall summon the Punchayet and the parties, and cause the decree to be carried into execution by causing the boundaries of the land to be marked out in presence of the Punchayet and the parties according to the decree, and delivering a copy of the decree to each of the parties.

Collector how to proceed on a charge of partiality being preferred to him.

If proved to his satisfaction to annul the decision.

IX. *First.*—If either of the parties shall within the prescribed period of twenty days charge the Punchayet with gross partiality and if the partiality charged against the Punchayet shall be estalished to the satisfaction of the Collector by the oaths of two credible witnesses at the least, he shall annul the decision; and the parties shall be at liberty to have recourse to another Punchayet or to any competent jurisdiction.

Decision of a second Punchayet in the same suit to be final if it agree with a former decision.

Second.—Provided, however, that where the decision of a second Punchayet shall agree with the decision of a former Punchayet in the same suit, it shall be final.

Collector how to proceed on the partiality not being proved.

May levy a fine.

Third.—If the partiality charged against the Punchayet shall not be proved to the satisfaction of the Collector, he shall affix his seal and signature to each of the two copies of the decree, and return them to the Moonsif to be carried into execution, and shall further levy a fine from the party making such groundless charge not exceeding one hundred Arcot rupees.

Suits tried by Village Punchayets exempt from fees and charges of every description.

Exception.

X. *First.*—Suits tried under this Regulation by a Village Punchayet shall be exempted from fees and all charges of every description, except the necessary expense for the paper or cadjan leaves on which the proceedings and decrees may be written, the cost of which shall be charged to the party cast and entered in the decree.

Institution fee to be paid in suits referred under this Regulation to District Punchayets.

Rate how to be calculated.

Second.—In suits which may be referred under this Regulation to be tried by a District Punchayet, the Collector shall require the plaintiff or party desiring the reference to deposit the institution fee previously to granting the order of reference; the institution fee on such suits shall be calculated at the rate prescribed in section XIX, Regulation IV, 1816.

Parties liable to what other charges in suits referred to District Punchayet.

Third.—In suits which may be referred to be tried and determined by a District Punchayet, the parties shall be further liable to the charges specified in section XX, Regulation IV, 1816.

Suits under this Regulation exempt from stamp duties.

XI. Suits instituted before Collectors under this Regulation shall be exempted from all stamp duties.

Decisions to be included in the monthly reports of Village and District Moonsifs.

XII. The Village and District Moonsifs shall include in their monthly reports all decisions of Punchayets in suits referred to them under this Regulation.

Copy of this Regulation to be lodged with the Village Curnum.

XIII. A copy of this Regulation shall be lodged with and preserved by each Village Curnum for the information of the Village Moonsifs.

A.D. 1816. REGULATION VII.

A Regulation for transferring the Superintendence of the Police from the Magistrates to the Collectors of Zillas and for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George. Passed by the Governor in Council of Fort St. George on the .

Preamble.

I. It being expedient that the superintendence of the Police should be transferred from the Magistrates to the Collectors of Zillas and that a system of Police founded chiefly upon the ancient usages of the country should be established throughout the territories subject to the Government of Fort St. George and that the powers and authorities of the several classes of persons to be entrusted with the performance of Police duties should be defined, the Right Honorable the Governor in Council has been pleased to enact the following rules.

The superintendence of the Police transferred to the Collectors who shall be denominated Superintendents of Police.

II. From and after the next ensuing the superintendence of the duties of Police and the control and direction of the Police establishments shall cease to be exercised by the Zilla Magistrates, whose powers in this respect shall be transferred to, and from the foregoing date, be vested in the Collectors of Zillas, who shall be denominated Superintendents of Police.

Present establishment of Police Darogahs and Tannadars abolished.

III. The present establishments of Police Darogahs and Tannadars shall from the date abovementioned be abolished, and the duties heretofore discharged by those persons shall be performed by persons of the descriptions herein after mentioned.

The persons by whom Police duties are hereafter to be discharged.

1. Heads of villages as described in section III, Regulation I, 1816 aided by Curnums or Village Registrars and Tallyars and other Village watchers.

2. Tahsildars of districts with the assistance of Peshkars, Gomastas and establishments of peons.

3. Zemindars.

4. Ameens of Police.

5. Cutwals and their peons.

6. Collectors of Zillas and their Assistants.

Heads of villages to be heads of Police in their villages.

IV. Heads of villages shall be *ex officio* heads of the Police of their respective villages.

Heads of villages to apprehend offenders and forward them to the Tahsildar of the District.

Exception.

V. *First.*—Heads of villages are authorized and directed to apprehend all persons charged with committing crimes or offences, or breaches of the peace, and all persons accused of injuring the public buildings, roads, tanks, and water channels; and except in trivial cases wherein they are authorized by section X of this Regulation, to inflict punishment, they shall forward the persons whom they may apprehend together with the accusers and witnesses to the Tahsildar of the district.

Heads of villages not to receive confessions.

Nor to detain any person in their custody longer than twenty-four hours.

Second.—Heads of villages shall not receive from any person whom they may apprehend, any confession either verbally or in writing except in the trivial cases referred to in the preceding clause, nor shall they on any account, except the accused person be in such a state as to render his removal improper, detain any person in their custody longer than twenty-four hours.

Heads of villages authorized to call upon the inhabitants generally for assistance.

VI. In cases of emergency the Head of the village is authorized to call upon the inhabitants generally to assist him in securing offenders; and all the inhabitants of the village are hereby required to co-operate with him on such occasions, provided that no person who is prohibited by the rules of his caste or profession from performing such service shall be compelled so to do.

Heads of villages authorized to call on the heads of neighbouring villages for assistance.

VII. If Heads of villages shall be unable with the persons at their command and the people of their own villages to apprehend the parties accused, they shall have authority to call on the Heads of neighbouring villages for assistance; and all Heads of villages are hereby required to afford the most prompt assistance whenever they may be called upon by their neighbours so to do.

Heads of villages to communicate to each other information on subjects connected with the peace of their respective villages.

VIII. Heads of villages shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious people having entered or taken refuge in each others villages, and shall co-operate in all things for the apprehension of offenders and the general security of the country.

Heads of villages to report to the Tahsildar the arrival of suspicious persons in their respective villages.

IX. Heads of villages shall report to the Tahsildar of the district, the arrival in their villages of strangers of suspicious appearance, and all information which they may be able to collect concerning such persons.

X. *First.*—In cases of a trivial nature, such as abusive language, and inconsiderable assaults, or affrays, Heads of villages shall have authority on a verbal examination either to dismiss the parties or, if the offence charged shall be proved to have been committed by the persons accused of it and shall appear deserving of punishment, to confine the offending parties in the village choultry, for a time not exceeding twelve hours; or if the offending parties shall be of any of the lower castes of the people on whom it may not be improper to inflict so degrading a punishment, to order them to be put in the stocks for a time not exceeding six hours.

Heads of villages authorized to inflict punishment in certain cases.

Limitation of punishment.

Second.—Heads of villages shall report to the Tahsildar of the district all cases in which they shall have exercised the power of punishment granted to them by the first clause of this section; but it shall not be necessary for them to report the cases in which they may dismiss parties.

Heads of villages to report to the Tahsildar all cases wherein they have inflicted punishment.

XI. *First.*—Where Heads of villages may have credible information of stolen property being concealed and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made and the property if found to be secured and forwarded with the offender to the Tahsildar. If the place of concealment be a dwelling house, the search shall be made only between sun rise and sun set.

Heads of villages how to proceed on receiving information of stolen property.

Second.—Heads of villages shall apprehend and send to the Tahsildar of the District all persons who may be found selling property which, there may be reasonable ground to suspect, has been stolen and of which such persons may not be able to give a satisfactory account.

Heads of villages to apprehend and send to the Tahsildar all persons found selling property suspected to be stolen.

Third.—Heads of villages shall also send to the Tahsildar, along with the persons accused of selling stolen property, such persons as may be able to give an account of the circumstances of the case.

To send also to the Tahsildar the persons acquainted with the circumstances of the case.

XII. Heads of villages shall take charge of all stray cattle, horses sheep, and other strays, of which the owners may not be known and shall report each case to the Tahsildar.

Heads of villages to take charge of all strays and to report each case to the Tahsildar.

XIII. *First.*—The Head of the village on receiving information of the discovery of the body of a person supposed to have been murdered, shall immediately proceed to the spot with the Curnum and two or three respectable inhabitants in whose presence he shall examine every person who may be able to afford any information regarding the discovery of the body and its appearance when discovered, or regarding the murder of the deceased, if the body should have been deprived of life by murder.

Heads of villages how to proceed on the discovery of dead bodies.

Second.—The Head of the village on receiving information of the discovery shall also without delay send notice of it to the Tahsildar; and if the Tahsildar shall arrive at the spot in time to inquire into the circumstances under which the body may have been discovered, the enquiry shall be conducted under his superintendence.

Heads of villages to send notice of the discovery of dead bodies to the Tahsildars.

Third. If the Tahsildar should not appear to conduct the enquiry, the Head of the village shall cause the Curnum to take down in writing the evidence of the persons who may be examined and to record any necessary particulars respecting the appearance of the body, and to frame a report of the whole proceedings. The Head of the village shall attest such report with his signature and having procured it to be attested by two or more of the inhabitants who may be present at the investigation and by the Curnum, he shall forward it to the Tahsildar.

Heads of villages how to proceed if the Tahsildar should not appear to conduct the enquiry.

Fourth.—If on the proceedings of the Head of the village there shall in any case appear ground for suspecting any person or persons who may be within his jurisdiction of having committed the murder, the Head of the village shall immediately apprehend and send such person or persons to the Tahsildar.

Heads of villages to apprehend and send to the Tahsildar any person suspected of committing the murder.

XIV. Curnums shall keep registers according to the annexed form of persons confined by the Heads of villages under section X of this Regulation, and these registers shall be transmitted monthly by the Heads of villages to the Tahsildars of their respective districts.

Registers of persons confined by heads of villages to be kept by Curnums and transmitted monthly to the Tahsildar.

Form of register.

Register of persons punished in the village of   in the month of

No.	Names.	Offence.	Punishment.	Date.
1st	Mootoo ...	Drunken riot	Confinement in the stocks for six hours.	1st.
2nd	Veeren	Abusive language ...	12 hours confinement ...	2nd.
3rd	Syed Hussain ...	Assaulting a woman ...	12 hours confinement ...	3rd.

Village watchers to perform police duties.
Not to make compensation for losses by theft.

XV. Village watchers, by whatever local name distinguished shall perform their customary Police duties under the immediate authority of the Heads of their respective villages; but they shall not be called upon to make compensation for losses by theft.

Village watcher to be appointed to villages where none exist.
From what classes of persons to be selected.

XVI. In villages where the office of Village watcher does not exist and where it appears that the duty cannot be discharged by any of the other village servants, Village watchers shall be appointed by the Superintendent of Police and shall as far as possible be selected from the Dhers Beders, and other castes best qualified for Police duties.

The office of Village watcher to be hereditary.

XVII. *First.* The office of Village watcher wherever it may be found to exist and wherever it may hereafter be created under the provisions of the preceding section shall be hereditary.

Death of Village watchers to be reported to the Tahsildar.
And the name of the successor to the office.

Second.—Upon the death of any Village watcher, the Head of the village shall report the same to the Tahsildar of his district for the information of the Superintendent of Police, and also the name of the person who may have succeeded by inheritance to the office.

Allowances made to the Village watchers appointed under section XVI to be hereditary.

XVIII. Village Watchers appointed under section XVI of this Regulation shall be entitled to receive such allowances in land, grain, or money, as Government may allot for their maintenance and the allowances thus made shall be hereditary in their families.

Village watchers to be deprived of office only by sentence of the Magistrate or a superior authority.

XIX. *First.* No Village watcher shall be deprived of his office but by the sentence of the Magistrate or of a superior judicial authority and in such case the heir of the person so deprived of his office shall succeed to it.

The Superintendent of Police to appoint to the office of Village watcher on failure of heirs.

Second.—In failure of heirs on the death or dismissal of a Village watcher, the Superintendent of Police shall appoint a person to the office.

Village watchers liable to be suspended for neglect of duty.

XX. Village watchers shall be liable for neglect of duty to be suspended from the office by the Superintendent of Police for a period not exceeding six months.

Village watchers to apprehend and carry before the Head of the village persons found or accused of committing offences.

XXI. Village watchers shall apprehend persons whom they may discover committing any criminal act or breach of the peace and carry them before the Head of the village. They shall likewise apprehend and carry before the Head of the village all persons charged with committing offences or breaches of the peace and shall require the prosecutor to accompany them.

Village watchers to report suspicious persons to the Curnum and Head of the village.

XXII. Village watchers shall report to the Curnum and the Head of the village all suspicious persons either residing in or passing through the village.

Village watchers to give information of all that concerns the peace and good order of the village.

XXIII. Village watchers shall likewise report to the Curnum and Head of the village all information which they may obtain connected with the peace and good order of the village and they shall in all things obey such orders as they may receive from the Heads of their respective villages.

Cutwals and their peons to be subject to the Tahsildar as Head of the village.

XXIV. Cutwals and their peons wherever it may be necessary to employ them shall be subject to the authority of the Tahsildar and Heads of villages and shall be directed by their orders in furnishing supplies for travellers and in the maintenance of the peace.

Tahsildars of districts to be *ex officio* Heads of the police of their respective districts.

XXV. *First.*—Tahsildars of districts shall *exofficio* be Heads of the Police of their respective districts; they shall be charged with the maintenance of the peace and they shall report to the Superintendent of Police all acts which they may do and all material information which they may receive connected with their Police duties.

The revenue servants to perform Police as well as Revenue duties.

Second.—The Peshkars, Gomastas and peons who are or may be employed under Tahsildar of districts shall perform the duties of Police as well as Revenue duties and they shall be considered officers of Police, as well as Revenue servants.

Tahsildars to assist the Village Police.

XXVI. *First.*—Tahsildars shall render all possible assistance to the Village Police on or for the apprehension of offenders.

Tahsildars to send peons to markets &c.

Second.—They shall also send peons to markets, fairs and other public meetings in their district in order to preserve the peace.

How to proceed on information of heinous offences.

XXVII. *First.*—Upon a complaint being made to a Tahsildar of any murder, robbery, house breaking, theft, setting fire to a house, or other buildings, counterfeiting the coin, or other heinous offence, he shall make such enquiries as may be necessary to ascertain whether any credit be due

to the accusation, and if it shall appear to be worthy of credit, he shall immediately make every exertion to apprehend the person or persons who may be accused or to whom suspicion may attach of having committed the offence.

What evidence to be taken in these cases by Tahsildars.

Second.—When the accused or suspected persons shall be brought before the Tahsildar, he shall take down in writing, in their presence, the depositions of the witnesses who may be present, and if in the course of the enquiry it shall appear that there are other persons who may be able to give evidence material to the case, he shall summon such persons and take their depositions.

Tahsildars may receive confessions.

Third.—The Tahsildar shall also receive the confession of the prisoner, in any case in which the prisoner may make a free and voluntary confession, and cause the same to be reduced to writing and signed (or if the prisoner should be unable to write, marked) by the prisoner in the presence of two or more respectable persons not being servants of the Government.

Tahsildars to forward their proceedings to the Magistrate.

Fourth.—So soon as the Tahsildar shall have finished the investigation, which shall be completed within twenty-four hours if possible, he shall forward his proceedings with the prisoner and witnesses to the Magistrate. If a delay of more than twenty-four hours should occur, a particular explanation of the cause of such delay shall be entered on the proceedings of the Tahsildar.

Tahsildar how to proceed if a prisoner shall in his confession criminate another person.

XXVIII. If a prisoner should in his confession made before a Tahsildar criminate another person, the Tahsildar shall secure such person and, provided the accusation be corroborated by any persons who may appear or be brought by summons before the Tahsildar, he shall forward such accused person to the Magistrate together with the witnesses, and his proceedings in the case, as is directed in the preceding section.

How the Tahsildar is to proceed on persons charged with heinous offences being sent to him by Heads of villages.

XXIX. Upon the arrival of persons, charged with any heinous offence, who may have been apprehended and forwarded to the Tahsildar by Heads of villages, the Tahsildar shall proceed as directed in the two foregoing sections.

Officers of Police or others maltreating a prisoner or witness how punishable.

XXX. Any officer of Police, or other person maltreating a prisoner, or witness for the purpose of obtaining information or confession, shall be subject to punishment by the Magistrate according to the nature of the case, and should the offence be of an aggravated nature, the party offending shall be committed for trial before the Court of Circuit.

Tahsildars how to proceed in certain bailable cases.

XXXI. In cases of bailable offence, or misdemeanour which shall not appear to require the immediate apprehension of the party accused, the Tahsildar shall summon him in writing and take his declaration, and, if necessary, the depositions of any witnesses to the truth of the charge. He shall then take security for the appearance of the party accused together with the accuser and witnesses on a stated day before the Superintendent of Police, to whom he shall immediately report the case and transmit the depositions.

Bail not to be required in trivial cases.

Exception.

XXXII. *First.*—In trivial offences bail shall not be required, unless there is reason to believe that the party accused means to abscond.

Tahsildar to dismiss trivial complaints in certain cases.

Second.—If the charge in such cases shall appear groundless, or if the parties shall agree in writing the plaintiff to withdraw and the defendant to permit the withdrawing of the complaint, the writing being attested by two credible witnesses, the Tahsidar shall dismiss the complaint without making any report thereof to the Superintendent of Police.

Tahsildars how to proceed on complaints of offences specified in section X.

XXXIII. Where complaints of offences of a trivial nature, such as are specified in section X of this Regulation may be preferred to a Tahsildar in the first instance, he shall enquire into the same; and if the offence be proved, he shall have authority to punish the offender by imposing on him a fine not exceeding one rupee, or by confining him in the choultry for a time not exceeding twenty-four hours, or, if he shall be of any of the lower castes of people, by putting him in the stocks for a time not exceeding six hours.

Tahsildars to communicate to each other information on subjects connected with the peace of their respective districts.

XXXIV. Tahsildars of districts shall reciprocally communicate any information which they may receive of offences committed or of gangs of robbers or of suspicious people having entered or taken refuge in each others districts, and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Police officers to pursue offenders into any district or Zilla.

XXXV. *First.*—Tahsildars and the officers acting under them shall have authority to pursue offenders into whatever District or Zilla they may fly and to require the officers of Police in such District or Zilla and, if necessary, the inhabitants in general, to assist them in securing the offenders; and such Police officers and inhabitants shall immediately afford the required assistance.

Tahsildars and other Police officers apprehending persons within a different Zilla from that to which they belong on a warrant from a Superintendent of Police or in consequence of a pursuit on a hue and cry raised against such persons, shall bring them before the Superintendent of Police of the Zilla in which they may be apprehended and report the cause of the seizure of such persons. If such persons shall be apprehended under a warrant issued by the Superintendent of Police of another Zilla, and the Superintendent of Police of the Zilla in which they may be apprehended shall be satisfied of the identity of such persons with those intended by the warrant, he shall affix his signature to such warrant which shall be sufficient authority for the Police officers to convey the offenders from the Zilla in which they may be apprehended to the Superintendent of Police in whose jurisdiction the offence may have been committed. But if the persons apprehended and brought before such Superintendent of Police shall appear not to be those intended by the warrant he shall forthwith cause them to be released.

Second.—If the parties shall be apprehended without a warrant on information given to the Police officers, or on hue and cry, the Superintendent of Police within whose jurisdiction they may be apprehended shall investigate the case; and if he shall be satisfied that there is sufficient cause for bringing the parties before the Superintendent of Police in whose jurisdiction it may be alleged that they have committed offences, he shall forward them with a letter to such Superintendent of Police. But if the Superintendent of Police shall be satisfied that the alleged offence or offences have not been committed, or that there is no ground to suspect the persons apprehended to have been concerned in committing such offence or offences he shall forthwith cause them to be discharged.

Tahsildars in all possible cases to proceed to the spot where a murdered body may be found.

XXXVI. The Tahsildar in all cases of murder within his district shall himself if possible proceed to the spot, examine the body, the place where it was first found, and all other circumstances that may be likely to lead to the discovery of the perpetrators of the crime.

Tahsildars how to proceed on receiving information of stolen property.

XXXVII. Where Tahsildars may have credible information of stolen property being concealed and there may be reason to apprehend that it will be made away with unless prompt measures be taken to secure it, they shall cause search to be made and the property if found to be secured and forwarded with the offender to the Superintendent of Police. If the place of concealment be a dwelling house the search shall be made only between sun rise and sun set.

Superintendents of Police in certain cases to vest Zemindars with Police authority.

XXXVIII. Superintendents of Police are authorized with the sanction of the Court of Circuit to grant to Zemindars who may be desirous of acting as Heads of Police and whom they may consider to be qualified for the office, sunnuds to act as such within the limits of their respective Zemindaries only. The Superintendents of Police shall prescribe to the Zemindars in their commissions such part of the duties and authority vested by this Regulation in Tahsildars as they may deem proper.

Ameens of Police to be appointed in large towns.

XXXIX. In large towns where it may be found that the Police duties cannot be conducted by the Head inhabitant, the Superintendent of Police shall appoint a person to act as Ameen of Police either immediately under his own orders or under the Tahsildar of the district and either with the Police powers vested in Heads of villages, or with those vested in Tahsildars by this Regulation as may appear expedient.

Assistant Collectors to be charged with Police duties in certain sea ports.

XL. In towns on the sea coast where from the resort of Europeans, the employment of a native as Ameen of Police may be found insufficient, an Assistant Collector shall be stationed and shall within his jurisdiction have the same Police authority as is granted to the Superintendent of Police by this Regulation or such part of it as may be deemed expedient by the Superintendent of Police.

Limitation of time for the admission by Police officers of petty complaints.

Such complaints may be received by Superintendents of Police at all times.

XLI. No Police officer shall entertain complaints of petty offences unless such complaints shall be preferred within three months from the date of the act complained of. It shall be at the option of the parties, however, to prefer complaints of such petty offences to the Superintendent of Police at any time, and if the delay shall be shewn to have been unavoidable, the Superintendent of Police shall have authority to receive and investigate such complaints.

Persons tendering property for sale or pawn under suspicious circumstances to be arrested.

XLII. All persons are authorized and directed to secure strangers or suspicious persons who may be found offering property for sale or in pawn at a price evidently below its real value, or removing property under suspicious circumstances at an unseasonable hour of the night, and to bring them with the least possible delay before the Police officer of the jurisdiction in which the offence may be committed.

XLIII. For extortion, oppression, or other abuse of authority, Tahsildars, Zemindars, Ameens of Police, Heads of villages, and all Police officers, may be prosecuted by the injured party either criminally before the Magistrate and the Court of Circuit or for damages in the Zilla Court, provided the charge or complaint shall be preferred within three months from the date of the act complained of.

...e officers liable to ...ution for abuse of ...rity.

Proviso.

XLIV. Persons preferring complaints under the preceding section which shall on investigation prove to be false, frivolous, or vexatious, shall be punishable by fine not exceeding one hundred Arcot rupees, or by imprisonment for a time not exceeding six months, to be adjudged by the Court before which the complaint has been preferred.

Punishment for vexatious prosecution for abuse of authority.

Police officers not to take cognizance of cases of adultery and fornication.

XLV. Tahsildars and other Police officers acting under them, shall not take cognizance of cases of adultery or fornication.

XLVI. The Superintendents of Police shall be charged with the maintenance of the peace within their respective Zillas and whenever their Police establishments may be insufficient to resist banditti or other disturbers of the public peace, they shall apply for assistance to the nearest Military Station as directed in section X, Regulation III, 1810.

Superintendents of Police charged with the maintenance of the peace of their districts.

XLVII. The Police establishment of peons which may be transferred to the Collectors as Superintendents of Police shall not be considered as distinct from the Revenue establishments but shall be equally employed in Police and Revenue duties as occasion may require.

Police peons to be considered revenue servants as well as officers of Police.

XLVIII. The Superintendents of Police shall require all manufacturers of fire arms and offensive weapons to take out licenses from their offices within a certain day of which due notice shall be given, and any person who shall be found after that period manufacturing such weapons without a license shall be proceeded against as in a case of misdemeanour.

Manufacturers of fire arms to take out licenses from the Superintendents of Police.

XLIX. The Superintendent of Police upon receiving a complaint in writing against any person for murder, robbery, or any crime specified in section III, Regulation IV of 1811, shall proceed as directed in sections III, IV and V of that Regulation, provided, however, that his warrant for the apprehension of the person accused shall be addressed to a Tahsildar, or some other Police officer. If upon an investigation of the case it shall appear to the Superintendent of Police that there is no ground to suspect the prisoner of the offence charged against him, the Superintendent of Police shall cause him forthwith to be discharged. If on the contrary it shall appear to the Superintendent of Police that there are grounds for suspecting the prisoner to have been concerned in the perpetration of the offence charged, the Superintendent of Police shall forward him as soon as possible to the Magistrate with the complainant, witnesses and the proceedings which may have been held in the case.

Superintendent of Police how to proceed on complaints of murder, robbery &c.

L. In the cases specified in section XXXI of this Regulation, the Superintendent of Police, if upon investigation of the case it shall appear to him that there is no ground to suspect the prisoner of the offence charged against him, shall forthwith order his bail to be discharged. But if after considering the report made by the Tahsildar, the depositions of the witnesses and the defence of the accused, the Superintendent of Police shall be satisfied that the charge is proved and that the offence is of a nature punishable by himself, he shall punish the offender by fine or imprisonment not exceeding the limitation prescribed in the following sections of this Regulation. But if the offender be deserving of a greater punishment than the Superintendent of Police is empowered to inflict, the Superintendent of Police shall forward the report with the accuser, witnesses and the person accused to the Magistrate.

Superintendent of Police how to proceed in the cases specified in section XXXI.

LI. In the cases of petty offences such as abusive language, calumny, inconsiderable assaults, or affrays described in section VIII, Regulation VI, 1802, the Superintendent of Police is authorized to punish the offender by committing him to prison in the cutcherry or Cutwal's choultry for a time not exceeding seven days, or by imposing a fine upon him proportionate to his offence, but in no case exceeding ten Arcot rupees.

Punishment to be inflicted by Superintendents of Police in cases of petty offences, described in section VIII, Regulation VI, 1802.

LII. In cases of petty thefts described in section IX, Regulation VI, 1802, the Superintendent of Police shall have authority to punish the offenders by imprisonment in the cutcherry or Cutwal's choultry for a time not exceeding seven days, or shall inflict corporal punishment not exceeding ten stripes with a rattan.

Punishment to be inflicted by Superintendents of Police in cases of petty thefts.

Punishment to be inflicted by Superintendents of Police for vexatious or groundless complaints.

LIII. Where the complaints specified in the two preceding sections shall be provec litigious, vexatious, or groundless, the Superintendent of Poli authorized to punish the complainant by fine or imprisonment the limitation prescribed for the punishment of the offences spe in section LI of this Regulation.

Superintendents of Police how to proceed in cases of resistance to process.

LIV. *First.*—If any person, amenable to the authority of the Superintendent of P , shall resist or cause to be resisted, any warrant, order or other process issued by him, on the same being charged on oath, the Superintendent of Police shall, if practicable, cause the party to be apprehended, and shall forward him with a report of the case, the depositions he may have taken, and the witnesses to the Magistrate.

Superintendents of Police how to proceed, if the offending party abscond or conceal himself.

Second.—If the party shall abscond or conceal himself so that he cannot be apprehended, the Superintendent of Police shall issue a proclamation as prescribed in section II, Regulation I, 1810. If the party charged as above cannot be apprehended, and shall not within the period fixed by proclamation appear to answer the charge against him, the Superintendent of Police shall report the case to the Magistrate, who shall proceed as directed in the latter part of clause first, section II, Regulation I, 1810. If the party shall be apprehended or shall appear in pursuance of the proclamation, the Superintendent of Police shall send him with a report of the case, the depositions he may have taken, and the witnesses to the Magistrate who shall proceed as directed in sections II and V, Regulation I, 1891.

Superintendents of Police to communicate to each other information on subjects connected with the peace of their Zillas.

LV. Superintendents of Police shall reciprocally communicate any information which they may receive of offences committed, or of gangs of robbers, or of suspicious people having entered, or taken refuge in each others districts, and shall co-operate in all things for the apprehension of offenders, and the general security of the country.

Superintendents of Police how to proceed if ordinary process for the apprehension of offenders be insufficient.

LVI. When the Superintendent of Police shall be of opinion that the ordinary process prescribed for the apprehension of public offenders would be ineffectual, he shall proceed as directed in sections II, III, and IV, Regulation XIII, 1809.

Superintendents of Police how to proceed when persons charged with crimes abscond or conceal themselves.

LVII. If any person charged with an offence of a criminal nature shall abscond or conceal himself so that upon a process issued against him by a Superintendent of Police he cannot be found, the Superintendent of Police shall issue a proclamation as prescribed in section IV, Regulation I, 1810. If the party shall not appear and deliver himself up within the period fixed by such proclamation, the Superintendent of Police shall report the case to the Magistrate who shall proceed as directed by section IV, Regulation I, 1810.

Superintendents of Police how to proceed when the perpetrators of gang robbery, murder, &ca may not be known.

LVIII. In cases of gang robbery, murder, or other heinous crime, when the offenders may not be known, if it shall appear advisable to the Superintendent of Police, in whose jurisdiction the crime may have been committed, to offer a reward for the discovery of the offender or offenders, he shall proceed as directed in section X, Regulation VI, 1811.

The Superintendent of Police and officers under him to prevent forcible occupation or seizure of lands or crops.

LIX. *First.*—The Superintendent of Police and under his orders, the Tahsildars and Heads of villages shall have authority to prevent the forcible occupation or seizure of lands or crops.

On riotous assemblages about ploughing land not in the occupation of any one, to determine who shall plough them till the dispute be settled.

Second.—When riotous assemblages are formed in consequence of disputes respecting the right of ploughing any waste or uncultivated lands which may not be in the possession or occupation of any person, the Superintendent of Police and under his orders the Tahsildars and Heads of villages shall have authority to determine who shall plough them for the present in order that cultivation may not be impeded by the land being kept uncultivated while the trial which the parties may seek is depending. But in all the cases specified in this section the parties shall be at liberty to seek redress from any competent jurisdiction.

Strays how to be disposed of.

LX. The strays referred to in section XII of this Regulation of which the owners cannot be found, shall after the expiration of three months be sold by public auction by order of the Superintendent of Police, and if within six months more, no person shall appear to claim the proceeds, the amount thereof after deducting the expenses incurred, shall be carried to the credit of Government.

Superintendent of Police to determine the rates of hire to be paid by travellers to palankeen bearers &ca.

LXI. Superintendents of Police are authorized to determine the rates of hire to be paid in their respective districts by travellers to palankeen bearers coolies, and boatmen, and for draught and carriage cattle; and the rates so determined shall be made public by a table authenticated by the signature of the Superintendent of Police, copies of which shall be kept by the Police officers at the several stations in the district for

reference; provided, however, that the resident inhabitants in their ordinary transactions shall not be bound to abide by the rates specified in the tables authenticated as aforesaid.

Superintendents of Police may receive complaint of frauds committed in using false weights and measures.

LXII. Superintendents of Police shall have authority to receive complaints regarding frauds committed in using false weights and measures, and in such cases shall proceed as directed in section L of this Regulation.

Punishment for disrespect to the authority of the Superintendent of Police.

LXIII. Superintendents of Police are empowered to confine for a period not exceeding seven days in the cutcherry or Cutwal's choultry, or to fine in a sum not exceeding ten Arcot rupees any person guilty of disrespect to their authority.

No order to be issued to any Police officer except by or through the Superintendent of Police.

Proviso.

LXIV. No order shall be issued to any Police officer excepting by or thro' the Superintendent of Police of the Zilla; provided, however, that the Zilla Magistrate shall have authority to issue his warrant direct to all Police officers within the limits of the village in which the Zilla Court is stationed, and also where the court town may stand upon the territory of two or more villages, to all Police officers in such villages without passing thro' the Superintendent of Police.

Superintendent of Police to send a half-yearly report of punishments to the Courts of Circuit.

LXV. On the 1st of January and 1st of July in each year Superintendents of Police shall send to the Court of Circuit in which the Zilla may be situated, a report in the form prescribed in section XIV of this Regulation, of all punishments which they may have ordered in the course of the preceding half year.

Assistant Collectors to be assistants to the Superintendents of Police.

LXVI. Assistant Collectors shall be Assistants to the Superintendents of Police, and the Superintendent of Police are authorized to employ their Assistants in the execution of such part of their prescribed duties, as from the extent of their general business or other cause, they may be unable to give due attention to themselves.

Regulation XXXV, 1802 rescinded.

LXVII. Regulation XXXV, 1802, is hereby rescinded.

Section XII, Reg. IV, 1808 in part rescinded.

LXVIII. Section XII, Regulation IV, 1808, in so far as it regards matters cognizable by the Superintendent of Police and the Police officers under him, is hereby rescinded.

References in the several Regulations to be altered agreeable to the numbers of each Regulation when passed by Government, for instance, if Regulation I be numbered Regulation III, Regulation II would be Regulation IV, and so on with the rest.

Clause 2d, section III, Regulation II refers to section XXX, Regulation I, 1816.
Section V, Regulation II refers to sections XV, XVI, and XIX, Regulation I.
Section XIV, Regulation II refers to section XXII, Regulation I.
Section XV, Regulation II refers to section XXXIV, Regulation I.
Clause 1st, section XVI, Regulation II refers to section XXX, Regulation I.
Clause 1st, section XIX, Regulation II refers to sections XXXVI, XXXVII, and XXXVIII, Regulation I.
Clause 1st, section XXVIII, Regulation III refers to clause fifth, section XVI, Regulation I.
Section L, Regulation III, refers to clause 2d, section XVI, Regulation II.
Clause 14th, section IV, Regulation IV refers to section XLVI, Regulation III.
Section V, Regulation IV refers to sections XXVIII, XXIX, XXX and XL, Regulation III.
Section XIII, Regulation IV refers to section XV, Regulation III.
Section XIV, Regulation IV refers to section LXII, Regulation III.
Section XV, Regulation IV refers to section XXXV, Regulation III.
Clause 1st, section XVI, Regulation IV refers to sections XLVII, XLVIII and XLIX, Regulation III, again to clauses 2d and 3d, section XI, Regulation III.
Section XIX, Regulation IV refers to clauses 2d and 3d, section XI, Regulation III.
Section XXI, Regulation IV refers to section XLI, Regulation III.
Section XXII, Regulation IV refers to section LIX, Regulation III.
Section XI, Regulation V refers to Regulation III.
Section XIII, Regulation V refers to section VIII, Regulation III.
Section VI, Regulation VI refers to clause 2d, section IV, Regulation IV.
Clause 1st, section X, Regulation VI refers to section XIX, Regulation IV and also to section XX.
Section III, Regulation VII refers to section III, Regulation I.

(2)

Minute by the President, dated 25th April 1816.

The President submits to the Board a correct copy of the Regulations framed by the Commissioners for the revision of the Judicial system; and proposes that the said Regulations be passed and promulgated.

(3)

Minute by the Hon'ble Mr. Fullerton, dated 27th April 1816.

I am sorry I cannot assent to the immediate publication of the Regulations now submitted by the Commission and the following are the grounds of my objection. By the Resolutions of Government under date 1st of March 1815, the Commission were required to ascertain and report on certain points therein detailed, *previously to drafting* the Regulations for the establishing of the Village Courts and for the restoration of the Village Police: considering however that the Regulations were to undergo the revision of the Sudder Adalet, which must necessarily take up some time, during which it was supposed that material progress would have been made in ascertaining the points of information required, the Commission were on the 13th May 1815 authorised and directed to prepare and submit the drafts thro' the regular channel, but in that letter it is expressly stated "that the Right Hon'ble "the Governor in Council continued to be of opinion that it would be advisable a "report upon those points should precede the promulgation of the Regulations."

Vide I and VIII (pages 32 and 33 *supra*.)

2. In the letter addressed to the Commission under date 4th August 1815, which accompanied the copy of the letter from the Secretary of the Right Hon'ble the Governor-General it was observed "that the suggestions which had fallen from "the Governor-General rendered it more particularly necessary that in any event "the information called for in the first and eighth articles of the Resolutions of "Government bearing date 1st of March last should be furnished before the new "Regulations are promulgated." I am not aware of any circumstances which have occurred to affect the propriety of the foregoing resolutions; on the contrary I continue to be of opinion that before a Legislative enactment be promulgated vesting certain powers and requiring certain duties from a certain description of persons, Government should know by something stronger than tradition, by local enquiry and research, that such description of persons does exist, and that the persons described are capable and fit to be trusted with the performance of the duty to be required. It is further necessary that we should know whether there exist in the opinion of the public officers of Government, objections of a local nature to the arrangement; for (to use the language of the letter from Bengal) it must be recollected that altho' the Commission may introduce the system, it must be ultimately conducted by the officers of the Judicial and Revenue departments, and if objections do occur, even tho' they should prove unfounded, still it is highly necessary that they should be met and set at rest before the law be declared.

3. The letter from the Secretary to the Right Hon'ble the Governor-General furnishes additional ground for deferring the immediate promulgation of the Regulations, for altho' His Lordship assents conditionally to their publication without delay still the condition under which the assent is given does not appear to me to exist. The case does not involve emergency in which delay would be embarrassing. The proposed Regulations involve material changes in the principles and system of administration hitherto pursued throughout our possession in this country, in the adoption of which it is necessary to proceed with caution and care; neither is the period prescribed for the dissolution of the Commission at hand; in fixing the period at 3 years the Hon'ble Court seem to have had in view the necessity of full and ample deliberation. It is clear they wish the thing to be done well and effectually rather than soon.

The difference of opinion subsisting between the Sudder Adalet and the Commission renders the reference to the Supreme Government still more advisable in order that the benefit of their sentiments may be obtained on the points at issue.

The period that elapses in the reference cannot be said to be lost, as it will afford time to the Commission to ascertain and report the points of information required, as already determined, to precede the promulgation of the Regulations.

4. The amended draft having only reached me on the 26th instant, I am not yet prepared to give any opinion on the alterations they contain; on the general question as well as on the first draft and Proceedings of the Sudder Adalet I have already stated my sentiments.

(4)

Minute by the Hon'ble Mr. Rob. Alexander, dated 29th April 1816.

I am disposed to concur with Mr. Fullerton in opinion that the revised Regulations as submitted by the Commissioners, require yet further consideration before they are promulgated, and that for the reasons he has stated it is particularly desirable and expedient that they should be submitted to the Supreme Government.

2. I only received the Regulations with the Minute of our Right Hon'ble President yesterday evening and have not of course had time even cursorily to peruse them, nor have I had the advantage of making myself acquainted with the sentiments of Mr. Fullerton recorded in the papers to which he alludes in his Minute of the 27th. Under these circumstances, I am not prepared to give my consent to the immediate promulgation of the Regulations.

(5)

Minute by Hon'ble Mr. R. Fullerton, dated 5th May 1816.

I have attentively considered the amended drafts of the Regulations submitted by the Commission and the report which accompanied them; they seem to have availed themselves with much advantage of the suggestions and remarks of the Sudder Adalet and also of the opportunity afforded by the reference of reconsidering other points not remarked on by that court. The exclusion of real property from the jurisdiction of the Village Munsifs removes many difficulties and the declared liability to prosecution for corruption, or for acts done by them unauthorized by the Regulation, interposes that salutary check required against abuse, and supplies the material defect in the first draft. The admission of trial by Punchayet only in cases when both parties consent instead of the right originally given to one party to have the cause adjudicated by that process, is a considerable improvement; on the whole I think the delay which has taken place more than compensated for by the amendments that have resulted, for had the Regulations been at once promulgated, they must have gone forth in a comparatively imperfect state; there still however appear a few omissions and objectionable provisions which will be found detailed in the annexed statement. With the alterations there proposed, the Regulations are, in my judgment, as perfect as they can be made, and in strict conformity with the orders and intentions of the Hon'ble Court.

2. Of the first part of the report it is unnecessary to take much notice being confined to the explanation given in support of the alterations of the draft; some observations are however made which not being supported by experience, might as well have been spared, such for example as that contained in para. 8 "That the petty causes which will come before the Village Munsifs have originated since the establishment of the Zilla Courts and have been accumulating ever since from the difficulty and expense of trial being greater than the matter was worth," all this is mere assertion; the authenticity of which yet remains to be determined by the test of experience. That the system of Punchayet pursued before the introduction of the Judicial system was utterly inadequate to the demands of the country is a fact which stands incontrovertible from the deluge of causes that overwhelmed the courts at their first opening, embarrassed their proceedings, and in fact produced many of those evils that have since been erroneously ascribed to the Judicial system. It is unnecessary however to pursue this course of reasoning further, since a few years experience will set the matter at rest for ever.

3. It only now remains to notice the concluding part of the report of the Commission in support of the employment of renter or casual manager of villages as Munsifs; after the most attentive consideration of all the arguments there adduced, my sentiments remain the same as formerly expressed. It is impossible indeed to read with attention to paragraphs 34 to 54 of the Hon'ble Court's letters without perceiving that the whole system is founded on the maintenance of the ancient Municipal Village System, where such still exists, on its revival where it has lapsed; it is the preservation or restoration of the office of Potail in its prestine form and with its primitive functions and not the transfer of those functions to the casual renter, or temporary collectors of the rents that is the object of the Hon'ble Court.

4. The principle adopted by the Commission is not only contrary to, but completely subversive of the plan in contemplation of the Court of Directors, for, if the whole functions of the office are to go with the person who collects the rents, then certainly the Zemindar who has power to send even a Pariah to perform that duty holds in his hands the complete control and supremacy over the Judicial and Police functions of the Village Munsifs, and can thro' the exercise of distinct proprietory right, displace the Head inhabitant when he pleases and subvert the whole system. In the Northern Circars for example, there does still exist the office of Pedda Caupoo, Naidoo, or Head inhabitant in every village; to that person the Munsif Puttah must be granted, whether he is the renter, manager, collector of the village or not; to allow the Zemindar to displace him by sending a manager to the village to collect the rents, is to destroy not confirm the ancient institutions of the country. If the Puttah or Sunnud of authority be given to him by the Collector, the village servants will obey him and it rests with the Zemindar if he pleases, and as he will find it his interest to do, to employ him also in the Revenue duties of the village. To allow the selection for the office to rest on Revenue duties alone is to sacrifice principle to practical convenience, to prefer the secondary to the primary consideration and to transfer to the Zemindar a power of selection when the office is already filled by the person the Hon'ble Court describe. On this part of the subject I beg to refer to paragraphs 82, 83 and 84 of the Hon'ble Court's letter. The Court in those paragraphs allude to the overweening authority and arbitrary sway of Zemindars; they mention the feeble operations of Darogahs and peons towards the support of the magisterial authority and they expressly refer to the re-establishment of the Village Police System as the most efficient means of maintaining that authority; but in what degree could the authority of the Magistrate be promoted if the Zemindar could, whenever he pleased, displace the principal instrument by sending a hireling servant to collect the rents of the village.

5. The confirmation or re-establishment by a public enactment of the Municipal Office of Potail or Head inhabitant may certainly by the interposition of local respectability prove a powerful instrument in checking the tendency to extortion and injustice supposed to be practiced by Zemindars, and renters over inferior tenantry, and which form an invariable topic in every Revenue Despatch; but the salutory effect, instead of being promoted, must be effectually retarded, if Zemindars are to have the selection. What the Commission observe in paragraph 44 of their report, may be true, namely, "that the adoption of "the rule will not introduce many changes to the office of Munsifs. That the "ancient Heads of village are *now* employed by new proprietors"; but we are not to consider only the case as it now stands but what it may become, under the operation of the Regulations which we are about to pass, for it must be re-collected those Regulations do not embrace the single act of transfer but will have prospective and permanent operation, and if they provide that not the ancient Head men but the acting Revenue manager or collector is to be the Munsifs with extensive Judicial and Police powers revived in his person, it is easy to foresee that inducement for changes may often arise. Those changes the Regulation as it now stands must sanction and support, is likely therefore to produce all the effects contemplated by the Sudder Adalet: at the close of para. 43 the Commission remark; "We "are therefore of opinion that the person who collects the rents, directs the village

"servants, manages the public business and in effect exercises all the functions "of the Head of the village must be the village Munsif whether he be the ancient "Head or a new renter, proprietor or agent ;" this opinion completely sets aside all the considerations urged by the Hon'ble Court as the ground work of the system. It vests all the powers of the office of Munsifs in the temporary manager and if this opinion corresponds with that of the Hon'ble Court, there was little use for the quotations that introduced the system to our notice for they are all completely superseded. The reasoning of the Commission amounts to this. He that manages the village for a time is the Potail for a time, the Potail must be the Munsif, he that can give and take away the revenue management, can make and unmake the Potail, and consequently make or unmake the Munsif.

6. In all districts where I have had the means of local observation, I have eason to believe the office of Head man to exist as described by the Hon'ble Court; re is no necessity for substituting the renter or manager in his place, and in y parts of the country I believe the same description will be found, and pro- y the hereditary Head inhabitant is now also the managing Revenue officer; mit generally the correctness of the principle on which the system is founded out I deny that the section III as the Commission has written it, is calculated to maintain that principle for admitting that hereditary Heads of villages are now in most cases renters or Revenue Managers, there is nothing in the Regulation that secures their continuance in that capacity. It makes Municipal Government that is Village Police and justice follow Revenue as a secondary consideration instead of preceding it, for if, as I think the Court of Directors intended, the Police and Judicial functions were vested *ex officio* in the hereditary Head inhabitant, it would be for the obvious interest of the Zemindar to let revenue management go along with it, or if he did not, he must suffer the inconvenience, but if on the other hand the function of Police and justice rest on revenue management, they will probably be led far, very far from those whom the Hon'ble Court describe as the native gentry "the permanent authorities of the country;" for those reasons it appears to me that the term *renter* or *manager* of a village should not be inserted, as conferring the office of Munsifs, but that the investiture should rest entirely on hereditary claims to the office described by the Hon'ble Court.

7. Against the tendency to abuse urged by the Sudder Adalet to exist in the Potail or renter in capacity of Munsif, the Commission invariably answer that if parties are averse to his jurisdiction, they can go to another tribunal. This appears plausible certainly, but the plural number is used instead of the singular, parties are plaintiff and defendant between whom there does not always subsist a similarity of sentiments; against one of them, defendant, the jurisdiction is compulsive, he therefore has not the option of going to another tribunal; the argument used by the Commission would be conclusive certainly, if the powers of the Head inhabitant were those of arbitrator only, like the Punchayet authorized to act only when both parties assented to his decision; again, it is argued that the Head inhabitant or manager can have little inducement to partiality in cases of 10 rupees between ryot and ryot, but it seems to be forgotten that other classes exist in society; weavers for example, who buying the grain from the ryot, will generally be defendant under a 10 rupees suit; and paying no revenue to the Village Manager, he can hardly be considered as strictly impartial, for in the case he has a decided interest, in as much as the realization of the rent may probably depend on recovering money from the weavers against whom the jurisdiction is not optional but compulsive.

8. In paragraph 42 the Commission remark as follows "The Court know "perfectly well that the village institution varied more or less in every province "that in some they were extremely imperfect and that in many cases they had been "broken up by our Revenue systems, and the Potails set aside to make way for "renters"; all this is perfectly true, and it was exactly on this ground that the resolutions of Government of the 1st March 1815 were framed. It was thought proper that local investigation and report should precede the promulgation of the Regulation. Before a Regulation was framed equally binding in every district, it was considered desirable to know how far those alterations had been carried, and

it was considered not absolutely impossible that ancient institutions might have been so far subverted in some districts as to render the immediate introduction of the system proposed unadvisable or even impracticable.

9. In the propriety of those Regulations I still concur, I consider them strictly warranted by those principles of prudence and caution that ought invariably to accompany the introduction of new or revival of ancient and long dormant institutions, nor can I believe it to have been the intention of the Hon'ble Court that due caution was to be dispensed with by too sudden and precipitate an alteration in the system of Civil Government.

10. Those resolutions were communicated to the Commission on the 1st March, repeated on the 13th May and 4th August, and altho' I do not mean to attach any blame to the delay for I am aware of the difficulty of obtaining correct information from a distance without frequent reference and communication, still I must say it was not in my opinion right to press on Government the promulg[illegible] tion of the Regulation, before they had communicated the points of informat[illegible] required to precede it.

11. I am aware however of the necessity of preventing any delay [illegible] absolutely unavoidable in carrying into execution the orders of the Hon'ble Cou[illegible], as it appears all the reports of the Collectors have not been received, I shall be prepared to assent to the promulgation of the Regulations in any district or division, where it is made to appear from the result of the enquiry by the Commission that no serious impediment presents itself against carrying the system into immediate execution.

12. The progressive introduction is indeed better calculated to ensure success than the sudden and general promulgation of the Regulation. If the system is to be introduced thro' the agency of the Commission, the introduction every where cannot well be simultaneous, the measure I propose would render it unnecessary to delay proceeding during reference to the Supreme Government; some time must be taken up in the translating and printing of the Regulations and if the papers should be immediately sent to Bengal, and if any part of the proceeding be considered inexpedient by the Right Hon'ble the Governor-General in Council, their sentiments may still be received before we have produced so far as to render retractation inconvenient.

ANNEXURE.

(Referred to in paragraph 1 of the foregoing minute).

SECOND DRAFT OF REGULATIONS BY THE COMMISSION.

Regulation I—Village Munsifs.

Section III. For the reasons stated in the papers accompanying, the term "Renter" and Manager of villages should not be inserted; the section should run thus. First, "In villages whether permanently settled, "rented, or in the hands of Government where there may be more than one resi- "dent Head man coming under the denomination of Potail, Reddy, Pedda Caupoo, "Naidoo or Yajeemaum, or any other local designation, the person being of that "designation who collects the revenue, and under whose authority the village "servants act, shall be considered as the Head of the village. Second, Where there "is but one resident Head man of a village described as above, he shall be consi- "dered as the Head of the village. Where from any cause doubts may arise as to "whom the office of Head of the village belongs, the Collector shall select one "person and give him a Puttah to act as the Head man of the village." A clause should here be inserted prescribing that the Collectors shall furnish to the Zilla Judge a register of Village Munsifs, notifying alterations as they take place; Zilla Courts otherwise can have no means of ascertaining who are Munsifs.

Section IV. Contains negative provisions that might as well have been omitted. Nothing but a positive provision could render Munsifs liable to that which the negative forbids, the latter part of clause 3 is incomplete, the following words should be inserted " or done any act whereby any

person is aggrieved contrary to this Regulation." It is not however of much consequence as section XXXV contains the counterpart in positive terms.

Section XVI. Clause 2. Notice should be given two days at least for the witness to appear.

Clause. 2. Surely this is too loosely worded, not only the party practising corruption is punishable, but also the person for whom it is practised; there should be a proviso that the corruption is done with the knowledge and assent of the latter.

Section XXXV.

The reports here inserted are directed to go to the District Munsif but it may be necessary here to mention that there are no provisions in the District Munsif's Regulation for passing them on to the Zilla Judge where I presume they are intended *to be registered.*

Sections XXXVI, XXXVII, XXXVIII, and XXXIX.

Regulation II—Village Punchayets.

This Regulation is substantially altered and much improved, the Punchayet process being allowed only when both the parties assent instead of one only as in the first draft.

Clause 6. This section commences by providing that *when parties require it each shall name two members* and concludes by providing that the practice prescribed "*shall never be allowed when it can be avoided*"; the section is indefinite and contradictory; what are the circumstances that can render the nomination of members by the parties unavoidable? Some explanation is required and more precision in the clause.

Section III.

Clause 4. I do not see why the matter should go to the Provincial Court unless the amount in dispute exceeds 1000 rupees, presuming that to be the limitation of appeal allowed in other cases.

Section XI.

Section XVIII. Clause 2. *Vide* remark on clause 2, section XXXV Reg. I.

Regulation III—District Munsifs.

This Regulation is much clearer than before; many objectionable parts are left out, still however there is important matter for observation. Section XXVII provides that the District Munsif shall give his decision by the oath of one party, when the other agrees to let Judgment go by that process. This is the new principle in the Code noticed by the Sudder Adalet. The section here quoted convinces me that the Commission were not themselves aware of the full scope and extent of the alteration; I judge so from their having made no provision as to the admissibility or otherwise of an appeal against a decision founded on an oath of one of the parties, such a decision seems to stand in the light of a Razeenamah. The party proposing the oath resting his cause on the conscience of the other, should not, it may be said, be allowed to fly off to another tribunal and should therefore sign an agreement to be bound by the oath and should not be allowed the benefit of appeal, which, in respect to the swearing party, must involve in reality a trial for perjury. If the Commission means that an appeal should be allowed against such a decision it will only throw the suit out of the Munsif's Court without trial on the merits, to incumber the superior Court, and lay a trap for the swearer. But if, as I conclude, the decision is intended to be final, then there certainly will exist all that inducement to perjury which naturally arises for the commission of crime from the *certainty of non-discovery;* by such a process law suits may indeed be shortened but moral guilt is proportionately encouraged. I do not admit that the tender of the oath by one native arises from confidence in the veracity of another, (if he believed him, why should he require an oath?). It proceeds from a malignant spirit of revenge that reconciles the loss of the suit by the belief that the sin of a false oath will fall on the head of his opponent, and as far as I can trust my memory 20 years back, it occurs to me that a sentiment of that kind generally followed the oath administered on such occasion. Principles or practice tho' sanctioned by native usage ought not to be admitted into our Code if contrary to reason and natural justice; on that ground I reject section XXVII of this Regulation; but if it be determined that it should stand, the doubt as to appeal must be disposed of.

Section XLI. The District Munsif receives these reports from the Village Munsif, but the former should be directed to send them on to the Zilla Court where I presume the general register of causes is decided to be kept.

Regulation IV—District Punchayets.

Section III. Clause 6. The same remark as clause 6, section III, Reg. II.

Section XVIII. Clause 2. The same remark as clause 2, section XVIII, Reg. II.

I perceive that the provision for batta to members of the Punchayet inserted in the first draft is here omitted, personal inconvenience will be considerable but the charge formerly inserted would have effectually deterred from the use of Punchayets.

Regulation V—Sudder Ameens.

I can only repeat that this Regulation was not required from the Commission either by the Court of Directors or by Government; they might as well have taken upon themselves to alter the whole Code, the subject of this Regulation is entirely within the province of the Sudder Adalet. I consider the appointment of the law officers of the Provincial Courts to act as Ameens under the Zilla Courts highly objectionable; the question should be disposed of by the Sudder Adalet.

Regulation VI—Boundary disputes.

This Regulation is ordered by the Hon'ble Court of Directors. Disputes regarding boundaries between Zemindars frequently involve property to an amount that would in common course admit of appeal to the last resent [resort ?]. I doubt the policy of the limitation. The only remark to be made on the Regulation is that one party only can call the District Punchayet. I do not see why the same rule was not observed in this case as in others coming before the District Punchayets, nor do I see why the members of the Punchayets should be exempt from the penalty of corruption; the reference to the Village Punchayet requires the assent of both parties, the reference to the District Punchayet may be made at the instance of either, the latter is therefore the most likely resort. Yet altho' the reasoning in support of this mode of settlement is founded on local enquiry, the District Punchayets are not even required to visit the spot, these apparent inconsistencies require explanation and better arrangement. The disputes that gave rise to this Regulation, I apprehend, relate principally to village boundary, where the village community is entire; there cannot be a dispute within the village, for the lands are held in common and changed occasionally; the Kulvar settlement vesting individual field property will certainly multiply boundary disputes from villages to fields; such disputes have seldom hitherto arisen because the field assessment has been so high that the land constitutes no property and is not worth contending for, but if the teerva should, as it must, be reduced no doubt the boundary disputes for field will be even more frequent than those of villages.

Regulation VII—Police.

Section XIV. It appears to me the register here noted should be a general one of all persons punished whether by imprisonment or the stocks, and should go ultimately to the Superintendent of Police and the Magistrate; it is highly expedient at the outset at least that the most minute information should be attainable of the effect and operation of the system; a general record of crimes and punishment might be framed in each Zilla; the Regulation seems to carry it no further than the Tahsildar.

Section XXIV. Cutwals will only be found in towns too large for the operation of the village system; they must be answerable only to Tahsildars and Superintendent.

Section XXXIII. The power here given exceeds that allowed to a Head of a village; for offences declared to correspond in magnitude with those specified in section X, a greater punishment is prescribed. It is not easy to discover why the same offence should meet with more severe punishment from a Tahsildar than from a Head inhabitant; no rule is however laid down for keeping a register of crimes and punishments to complete the general record.

This power may be confided to the Commercial Resident at Ingeram, Maddepollam, and Nagore: the first and third are principal ports, where no Magistrate or Superintendent of Police resides.

Section XL.

Theft is a crime, and in my opinion should always go to the Magistrate in whom alone the power of inflicting corporal punishment should be vested. Theft is quite different in the scale of criminality from the offences in the preceeding sections.

Section LII.

The limits should be fixed exactly and the whole Police establishment within those limits should be solely and exclusively under the orders of the Magistrate as they are at present, the new Police system should not in effect take place at the station of the Court.

Section LXIV.

No rule is here laid down for the guidance of the Court of Circuit, the rule prescribed in section XVII, Regulation VI, A.D. 1802, should be observed; but it appears to me that the Superintendent of Police should furnish to the Magistrate the register of all crimes and punishments submitted by the Tahsildars and Heads of villages, along with the register kept by himself; by the Magistrates they should be submitted to the Judge of Circuit, thus affording a general view of crime and punishment throughout the Zilla.

Section LXV.

Superintendent of Police shall correspond direct with Government in all matters of Police in which direct communication may seem to them necessary.

In districts permanently settled there are no Tahsildars; some person must be appointed in their stead. Zemindars cannot always be substituted, for they are not at all to be trusted; a declaratory section should be inserted as follows: "Nothing in this Regulation shall prevent parties bringing charges of crimes and "offences committed within the Zilla direct before the Magistrate but all orders "issued in consequence, to be carried into execution by Police Officers, shall be "addressed to the Superintendent of Police, unless such orders apply to persons "within the limits specified in section LXIV of this Regulation."

Authorizes the Superintendent to punish or release parties accused of crimes here stated, but the complainant should be at liberty to bring the case before the Magistrate; if he considers the release improper, the Magistrate should be authorized to call for information from the Superintendent of Police, and through him to summon and re-examine witnesses and pass such order as he may see fit for the punishment, commitment or discharge of the accused.

Sections L. & LI.

(6)

Minute of the President in Council, dated 14th May 1816.

In a Minute of the 25th of April, I submitted to the Board a correct copy of the Regulations framed by the Commissioners for the revision of the Judicial system and I proposed that the said Regulations should be passed and promulgated.

2. Mr. Fullerton in a Minute of the 27th of April and Mr. Alexander in one of the 29th having suggested the expediency of a further delay, I readily consented to this for the purpose of affording the members of the Board more ample time for the consideration of the Regulations.

3. Mr. Fullerton has since been pleased to communicate to me, and to the other Members of Council, the accompanying [foregoing] draft of a projected Minute, proposing certain amendments and alterations to the Regulations.

4. With his permission I have furnished a copy of this draft to the Commissioners themselves and, in consequence of my further discussions with them upon the points alluded to, I have the satisfaction to observe that the Commissioners do not consider that certain of the amendments and alterations brought forward by Mr. Fullerton will militate against the general spirit and tenor of the Regulations, but on the contrary that in some instances they may be adopted with advantage, and that they will contribute to the perfection of the Judicial system the Regulations are calculated to establish.

5. I therefore propose :

First.—That the Regulations be passed with the amendments as stated in the Memorandum A.

Second.—That the Regulations be returned to the Commissioners, with directions to insert the amendments contained in the memorandum A and to forward them in that shape to the Superintendent of the Government Press.

Third.—That orders be sent to the Superintendent of the Government Press to print the Regulations in communication with the Commissioners and to send them the proof sheets for revision and the correction of errors.

Fourth.—That in section 2nd of the Police, the blank left for the insertion of the date of the transfer of the Police to the Collectors, be filled up with the words "11th of July 1816."

MEMORANDUM A.

Regulation I.

Clause second, section XVI. After the words, "Parties in the suit," introduce "and fixing a day for his attendance."

The same words to be introduced in clause second, section XVIII, Regulations II and IV.

Clause second, section XXXV. After the words, "practised in the suit" introduce, "provided he shall have assented to such corruption."

Regulation II.

Clause fourth, section XI. After the words, "he shall" enter, "in every case, whatever the amount or value of the suit may be."

Regulation III.

Section XXVII. Instead of the words, "either party is willing," say, "either party agrees in writing"; after the words, "of the other," enter, "without appeal."

Regulation VII.

Section XIV. After the word, "districts," enter the words, "to be forwarded to the Superintendent of Police."

Section XXXIII. Introduce clause second: "The Tahsildar shall keep registers of punishments ordered by him according to the form prescribed in section XIV of this Regulation to be forwarded monthly to the Superintendent of Police."

Section LXIV. Introduce clause second: "But whenever the Magistrate may be satisfied that the complaint or charge to which such order may relate in a case of petty offence or petty theft, which has already been heard and determined by the Superintendent of Police or any Police Officer under him, he shall dismiss the complaint."

After section LXVI introduce the following as section LXVII: "The Superintendents of Police shall correspond direct with Government on matters of Police whenever they may deem it necessary."

After section LXVII, introduce the following as section LXVIII:

"Nothing in this Regulation shall prevent parties bringing charges of crimes and offences committed within the Zilla direct before the Magistrate, but all warrants for the apprehension and summonses for the attendance of parties issued in consequence, unless such warrants and summonses apply to persons within the limits specified in section LXIV of this Regulation, shall be sent to the Superintendent of Police, who, provided the case to which the warrant or summons relates, shall be a petty offence or petty theft, and shall already have been heard and determined either by himself or by any Police Officers under him, shall return the warrant or summons to the Magistrate with an endorsement to that effect; but in all other cases he shall cause the warrant or summons to be carried into execution."

The present sections LXVII and LXVIII to be made sections LXIX and LXX.

ORDER—DATED THE 17TH MAY 1816.

The Board having taken into their consideration the four propositions contained in the President's foregoing minute, and their sentiments on the first of those propositions not being unanimous, the vote is called, when Mr. Alexander

and Mr. Fullerton dissent from that proposition, but the Commander in Chief and the President concur in adopting it.

2. It is accordingly resolved:

First, that the Regulations submitted with the letter from the Commission bearing date the 20th of April be passed with the amendments as stated in Memorandum A.

To the Commission.

Secondly, that the Regulations be returned to the Commissioners, with directions to insert the amendments contained in the Memorandum A and to forward them in that shape to the Superintendent of the Government Press.

Thirdly, that orders be sent to the Superintendent of the Government Press, to print the Regulations in communication with the Commissioners and to send them the proof sheets for revision and the correction of errors.

Fourthly, that in section II of the Police Regulation, the blank left for the insertion of the date of transfer of the Police to the Collectors, be filled up with the words "11th of July 1816", but that it be left competent to the Government to postpone the transfer, on a recommendation to that effect by the Commissioners.

3. It is further resolved that the whole of the papers recorded in these Proceedings, together with Mr. Fullerton's Minute* bearing date the 1st ultimo [March] and with a further Minute,* explanatory of that resolution whereon a difference of opinion subsists in the Board, which the President intimates his intention of recording at a future date, be communicated for the information of the Hon'ble the Court of Directors and for that of the Supreme Government respectively.

XIV—*The Hon'ble Mr. Alexander records the following minute, dated 17th May* 1816.

The urgent and decisive tone of the orders of the Honorable Court of Directors conveyed in their Judicial letter of the 29th April 1814, as well as the expense attending the mode of carrying them into execution, which they have themselves prescribed, seem to preclude any attempt to combat the principle of those orders, with a view to oppose the introduction of the measures which they have directed to be adopted.

2. The Government appear to have little more to do than to superintend the introduction of the new arrangements; a duty however of the highest importance as it becomes necessary in the Regulations to be made for this purpose, carefully to observe not only that their provisions shall be abstractedly considered, adequate to the object of their enactment, but that their effect as far as is consistent with that object, shall involve no unnecessary deviation from the principles, or embarrassment to the operation of the present system, which, whatever may be its defects, has been found of eminent utility to the public and which it is the declared intention of the authorities at home, not to abrogate, but to improve.

3. The Commissioners for revising the system of internal administration were no doubt in their labors influenced by an attention to this necessary caution, but still a due observance of the principle on the part of Government rendered it a duty absolutely incumbent on them to require the submission in the first instance of the drafts of the proposed Regulations through the Sudder Adalet, the established authority for the ultimate revision of all legal enactments by Government, and the only department considered competent from its duties and information, to preserve complete and efficient the general code of Government by preventing the discrepancies and contradictions which must inevitably arise if the rules submitted through the various departments of the Government were not subjected to one common channel of revision.

4. The duty thus devolving on the Sudder Court must from its very nature require great deliberation in its execution which is hardly consistent with any great degree of celerity. To compose a Regulation for any specific purpose must almost always be a much more easy and quick task than to prepare it ultimately for promulgation, and I am of opinion that to this period no time has been unnecessarily lost in introducing the several arrangements desired by the Court of Directors.

5. The Court in the 4th paragraph of their letter distinctly express their conviction of the fitness "and wisdom of proceeding with due caution and care in the "adoption of any material alterations in existing systems of Government, and the

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* Pages 188 and 253 *supra*.

"mischiefs which too often result from innovations in matters of such important "and delicate concern." It is true that the sequel of the paragraph would imply their opinion that their proposed measures were scarcely to be considered as innovations, and an inference may be thence drawn that less caution may be necessary. It must however be admitted upon their own principle that caution in any measure becomes necessary in the degree in which that measure is an innovation, and I confess I am disposed to view the plans proposed by the Commissioners in execution of the orders of the Honorable Court, however salutary, as involving innovation to a much greater extent than they appear to apprehend.

6. My local experience, I am very ready to admit, has been confined to very narrow limits, the whole of my services upon this coast having been confined to two districts of the Northern Circars, a great part of which is held on ancient Zemindary tenure; I should therefore be very sorry to be considered as putting my general knowledge or opinions in competition with those of the high Revenue authorities quoted by the Honorable Court, but it is the duty of every servant placed in my situation to give the opinions resulting from a consideration of facts that have come under his observation.

7. In the part of the country above alluded to, Head inhabitants were to be found in all or nearly all the villages under the designation either of Naidoo, Pedda Caupoo, or to the Northward in the Ganjam District, Caugee, and among these I am ready to admit there were several of influence and respectability in their villages and who might be properly employed in settling the differences and pecuniary disputes of the inhabitants; but on the other hand so many were of a different description and so unfit for the duties it is now proposed to entrust to the Village Munsif, that I cannot help anticipating evils from an act of Government declaring at once that all Heads of villages are, by virtue of their office, to assume the duties and authority of that situation. I should accordingly feel disposed to recommend that to preserve the principle the office of Head inhabitant should necessarily imply the eligibility to that of Munsif, but that none should be permitted to officiate in that situation until previously furnished with a Puttah by the Collector (the issue of such Puttah is provided for in clause 2[d], section III of the Village Munsif Regulation); but it is only in case of a selection being necessary from among several Head inhabitants, I think it would be far preferable to issue it in all cases.

8. It is true that prior to the introduction of the Judicial system the Head inhabitants were in the habit of some times exerting the influence they possessed in their respective villages in settling the disputes of the inferior ryots; their employment in these duties was however rather casual, than regular; they were sometimes exercised on reference from the Collector, but excepting on such occasions, and when confirmed by him, their decisions were never considered as law; they were constantly appealed against to the European authority whose decisions alone were considered to have the force of law; and the mere transition from a moving cutcherry to a fixed court, did not, I am convinced, surprise or shake the confidence of the natives, nor was by them considered so great an innovation as in many parts of the country will be the giving original and final jurisdiction to the Head inhabitants in cases of property even to the amount of ten rupees.

9. I do not wish by these observations to oppose the plan of employing the Head inhabitants as Munsifs: I am an advocate for extending the native agency to the utmost in their Judicial and Municipal concerns; but I confess that from my experience of the duties of Head inhabitants, as I have seen them exercised in the districts committed to my charge, (and I have had a good deal of intercourse with them) I should not have considered myself justified in representing them as Colonel Munro has those of the Ceded Districts, in the light of Judge, Magistrate, and Collector, even of their petty communities. To make them so in a certain degree may be beneficial, but it will certainly be (in many parts of the country at least) an innovation.

10. I come however to what I consider a still greater innovation, and what appears to me to be repugnant to the principles laid down by the orders of the Court of Directors and contrary to the general tenor of the information upon which those orders were founded.

11. The Potail, and in general the person whether under that or any other designation as the Head of the villages, is considered an hereditary officer superintending the agricultural economy of the village. The rights and duties, revenue and municipal, as represented by Colonel Munro, are all stated to be hereditary, and although the latter certainly have appeared to me more circumscribed in their extent than has been represented, the situation has been considered to descend in the same family and to be forfeited only by misconduct. Zemindars may doubtless in this as in other cases have occasionally displayed their caprice and removed Head inhabitants upon slight or groundless pretences, but the succession was in general respected.

12. At present from the provision of the proposed Munsif Regulation, it would appear intended that the office of Munsif should follow the rent of the Government Revenue in the village, an innovation, as far as my experience will enable me to judge in the case, of the greatest importance.

13. I am well aware that in the Ceded Districts, the influence of the Potail has been represented to be of that extensive nature, that it was considered as a general principle, dangerous to the Revenues of Government to allow any person to rent the village who was not either Potail himself or joined with the Potail, in the lease, and in consequence Government at the suggestion of the Board of Revenue adopted the very strong, but as was believed, necessary measure of sanctioning the eventual removal of such Potails as refused either singly or jointly to be concerned in the lease of their villages.

14. The policy or necessity of this measure I should be slow to doubt considering the authority from which it originated, but the circumstance forms a convincing proof of the different degrees of influence attached to the situation of Head inhabitants in different parts of the country, as in the Northern Circars as far as my experience goes, the rent by a stranger even of a single village was never considered to involve the removal of the Naidoo who during the lease was supposed in his superintendence of the rural economy of the village, to support and secure the interests of the renter; as under Amani, or Ryotwar management, he would that of the Circar. The Naidoo in fact was the Head Circar servant in the village, and though in case of rent it was often concluded with him it was not considered as a measure of necessity or indeed of very material importance to the Revenue.

15. In a great proportion of the villages of the Ceded Districts the very extensive Enaums of the Potails give them a preponderating influence by rendering them powerful competitors with the Government renters for the labor of the under ryots, and hence chiefly I believe has arisen the necessity of including them in any engagement for leasing the land revenue of the Government; or for resorting to the alternative of removing them temporarily at least from their situations.

16. The latter I am happy to say has taken place in very few instances, for the measure certainly involves a degree of harshness which should if possible be avoided; for, though strictly speaking, servants of the Circar, they have a right from ancient usage and inheritance which should guard them except in cases of the utmost urgency from a removal on the ground of mere expediency or without proved delinquency.

17. In order strictly and effectually to carry into effect the orders of the Hon'ble Court of Directors it appears to me essential that the Head inhabitants whenever they may now exist, or whenever they may be subsequently established, should be maintained in their stations which for the duties expected from them to be successfully executed should be confirmed and independent either of any renter or renter's agent. Unless this be done, and if every temporary agent of the renter of revenue be admitted *ex officio* to the situation, where are we to look for the boasted advantages attributed to the services of the Head inhabitants by the Court in the 36th paragraph of their letter, their influence over the inhabitants in times of disturbance, from being considered their "natural and permanent superiors" and their peculiar qualifications arising from their knowledge of the "general concerns of their villages and the character of every one within them" acquired "from the particular relation in which they stand to the people?"

18. In the territories of the Company, the revenues of which are unsettled, we may no doubt by an adherence to the Ryotwar system ensure the services of the

Potails and Head inhabitants as Munsifs even under the provisions of section III of the proposed Village Munsif Regulation which will under that system not affect them, but the operation of that Regulation is proposed to be universal throughout the territories under this Presidency and must in consequence be in force as much where the direct interests and influence of the Government in the revenues of the lands has been permanently transferred as where they still exist.

19. In these parts of the country, it is not in the power of the Government to enforce the observance of the Ryotwar system of Revenue; there it is probable in general the ancient system of village rents will be found to exist, a system which will I believe be found to be of as great antiquity as the Tasildary management of the Ceded districts. In general these rents will be concluded with the Head and other inhabitants jointly and some times include the Curnum; but if this be not the case, and if they should occasionally be rented either singly, or in Mootahs to strangers, the circumstance will not be found in general to affect the situation of Head inhabitant. To suppose that it must of necessity do so is to suppose that the renter must necessarily take the place of the Naidu or Potail which is far from being the case; the renter does not rent the rights of the Potail but those of the Circar which are entirely distinct and independent, the renter in fact is placed as regards the Potail in the place of the Tahsildar or representative officer of Government. It has been urged I know, as I have before stated, that the influence of a Potail of a rented village, having no concern in the rent, might either from his intrigues or neglect embarrass and impede the revenue affairs of the village greatly to the detriment of the Government and their renter. Too much weight has in my mind been given to this argument; as Potails they are servants of Government with important Revenue duties to fulfil, and if they palpably neglect these duties, they are of course liable to removal, and I think the great interest they have at stake will in general ensure their fidelity to the Circar.

20. I have said thus much to support my opinion that the circumstance of a village being rented to another than the Head inhabitant need not of necessity involve the privation on the part of the Head inhabitant of all his duties and authority.

21. Judging from the tenor of the 3d section of the proposed Munsif Regulation there is an apparent desire of accommodating the Judicial to the Revenue system and making the objects of the one rather secondary and subservient to those of the other, a principle certainly as diametrically opposite as possible to the one that was supposed to actuate and pervade the Judicial system so long established which was that of separating and rendering distinct the judicial functions and authorities from those of the fiscal department.

22. The advantages of adhering as far as circumstances will admit to the latter principle are, I believe, generally admitted, and it would certainly be desirable if possible to preserve distinct the duties of the two departments from the highest to lowest functionaries of each. This perfection of the system is however scarcely attainable, consistent with the employment in judicial matters of the agency of that class of people pointed out and prescribed to the Government by the Court of Directors; and I am ready to admit that the many important qualifications which they possess from their local knowledge and respectability and from the habitual deference which their situation is likely in many cases to have established in the minds of the inhabitants, constitute advantages which may be supposed to counterbalance the objection arising from their being concerned in the management of the revenues, even though they should occasionally farm them from Government; but to select a person for the judicial office of Munsif, expressly on the score of his holding the situation of renter or renter's agent is, I confess in my mind, to give him a preference on account of his possessing what ought (abstractedly considered) to constitute in a certain degree a disqualification.

23. Entertaining these sentiments I think it my duty to state my objection to admit the proposition of the Commissioners of declaring every resident village renter, or every village renter's resident agent, to be *ex officio* Head inhabitant, and consequently Munsif of such village; such a proposition is not warranted by any thing that I can discover in the letter from the Court of Directors. On the

contrary in every passage of that letter referring to the subject there is a marked desire to support and uphold the character of the persons whom they point out as proper for the village judicial offices, which it is the obvious tendency of the measure in question to confound and degrade.

24. I am not altogether unaware that the provisions of Regulation XVI of 1802 may be urged as opposing the objections I have suggested to the appointment of Revenue managers to the office of Munsif, but the two cases appear to me to be widely different. In the one, a large body of extensive land holders and farmers, high revenue officers and substantial tradesmen, are pointed out to the notice of the Judge, as likely to possess the greatest influence and respectability, from among whom he is to select, such, as he thinks, from character and talents best suited for the office of Commissioner; in the other, the single circumstance of managing the village revenues is declared to be a sufficient qualification and to do away the necessity of selection altogether.

25. In the foregoing remarks I have stated my objection to what appears to me a defect in the propositions of the Commissioners, as militating both against the spirit and letter of the orders of the Court of Directors. My objection applies to the Village Munsif Regulation which may in fact be considered as the groundwork of the whole.

26. To this time, the Government has not received from the Commissioners any specific report upon the points to which their attention was particularly called in the Proceedings of Government of the 1st March 1815, with a view to their being ascertained previously to the preparation of the Regulation for Village Courts.. The difficulty of ascertaining with accuracy the points in question throughout the whole of the territories under this Presidency, might be likely to occasion a delay inconsistent with the expectations of the Honorable Court; and on this account I think the promulgation of the Regulation might be admitted without waiting for the report, but in this case some alteration of the Regulation as it now stands appears to me to be necessary.

27. The operation of the Regulation as it now stands is declared universal throughout the territories under this Government, at least no provision is made for any exception, although Government is as yet in ignorance whether the fitness or even the existence of the instruments whereby it is proposed to be carried into execution has been ascertained. This appears to me a defect but one of easy remedy, and for the purpose I would with deference propose that while the principle of the Regulation should be declared universal, its immediate active operation should be made conditional at least so far to depend on the sanction of the local authority that no Head inhabitant should enter upon the duties of the office of Munsif until furnished with the Collector's Puttah, which would in that case be issued in all those parts of the country where the proper instruments for its execution might be found to exist.

28. In some parts of our territories particularly Malabar and Canara, few or no village communities are to be found; I would therefore suggest the propriety of a clause being inserted in the Regulation providing for the exercise of the authority of Government in nominating in certain situations where persons answering the description of Head inhabitants might not be found, others to supply the place of that description of people.

29. The above appear to me the most desirable alterations to the Village Munsif Regulation and such as I consider might be introduced without any departure from the principle of its enactment.

30. The general detailed provisions of the different Regulations appear to me unobjectionable but those on one or two points in which in my humble judgment they are open to amendment, and which I shall accordingly proceed to detail.

Regulation I.

31. I have sufficiently expressed my opinion respecting the 3d section of this Regulation, which I think should be so altered as to exclude altogether the appointment *ex officio* to the situation of Head inhabitants, the renters or Revenue managers, confining the selection to the principal inhabitants of the village.

32. In clause 3, section IV of that Regulation "gross partiality" has been accidentally omitted from the proposed admissible grounds of appeal from the decision of the Munsif.

33. In section XXII the Village Munsifs are referred to Regulation XXXIV of 1802 for their guidance in the admission of interest on the claims brought before them; it appears to me that it would answer the purpose better either to quote the Regulation or to abstract its substance in this clause so that nothing might be left to the Munsif's reference.

REGULATION II FOR VILLAGE PUNCHAYETS.

34. In clause 5 of section IV of this Regulation a provision should be made for delivering, or allowing to take, a copy of the plaint, which has I apprehend been accidentally omitted.

35. By clause 4, section XI of this Regulation it is directed that "if the partiality charged against the Punchayet shall be established to the satisfaction of the "Judge by the oaths of two credible witnesses at the least, he shall submit his "proceedings with his opinions on the case to the Provincial Court of Appeal, who, "provided the charge be proved by such proceedings to their satisfaction, shall "annul the decision."

36. On this I would remark that I do not perceive the grounds for circumscribing the jurisdiction of the Zilla Judge more in his decisions in cases of appeal from the proceedings of Punchayet than in any other, more particularly as in these cases a negative voice is all that he can give and the parties are left to choose the course of their further prosecution of the suit. In the case of the Punchayet decisions regarding boundaries, final power is given to Collector by clause I, section IX, Regulation VI, to set aside the decision on proof of partiality. This additional authority beyond that of the Judge, the Commissioners explain, is given in consequence of the local knowledge of the Collector. I do not think the reason for the distinction is sufficient; it would infer a greater local knowledge in the Provincial Court than in the Zilla Judge which may very often not exist; and while the reference must occasion loss of time and in small cases is degrading to his authority, I am of opinion that the Zilla Judge like the Collector should have the power, on proof to his satisfaction of corruption and gross partiality, to set aside the decrees of the Punchayets at least to the extent to which his jurisdiction is by Regulation limited, in ordinary cases of property.

REGULATION III—DISTRICT MUNSIFS.

37. In section XXVII it is provided that with the consent of one party, it shall be permitted to decide causes by the oath of the other, this is certainly customary among natives, and I think, notwithstanding the objections of the Sudder Court, might be admitted in the native tribunal; but as the jurisdiction of District Munsifs admits of appeal, a clause should be inserted confining the mode of settlement described in this section to suits for an amount not appealable; or prescribing a written declaration from the party admitting the decision by the oath of the other, that such decision should be final and without appeal.

38. Without such a provision every appeal in the cases supposed must carry with it a charge of perjury.

REGULATION V—SUDDER AMEENS.

39. I am of opinion that the reasons assigned by the Sudder Court for not appointing the Hindoo Law Officers of the Provincial Courts to be Sudder Ameens in the Zilla in which they are stationed, (although not noticed by the Commissioners in this last report) are valid and decisive against that measure to which I must therefore object.

REGULATION VI—BOUNDARY DISPUTES.

40. Upon the same principle that boundary disputes are referred to the Collector's jurisdiction aided by Village or District Punchayets, I would recommend, as an amendment to the Regulation, that disputes concerning water be also referred

to the same tribunal. From experience I can say that disputes on the latter subject give rise to as frequent brawls and disturbances and require as accurate local investigation for their adjustment as those provided for in the Regulation which might easily be modified so as to embrace the object I propose.

41. I concur in opinion with the Sudder Adalet that for the purpose of rendering effectual the operation of Regulation VI, it will be very expedient, if not necessary, to rescind sections II and III of Regulation XXXII of 1812; the declaratory provisions of those sections are positive and if they be not rescinded, it appears to me that occasion will be given for the collision of two authorities, as the same cause of dispute will be often referred to two separate tribunals, independent of each other, but with concurrent jurisdiction in the case.

REGULATION VII—POLICE.

42. Considering how many duties of Magistrate are to be transferred to the Collectors and their Assistants under the provision of this Regulation, I think the administration of the oath proposed by the Sudder Adalet to be proper.

43. The Commissioners in the new draft of this Regulation have given force to the Zilla Magistrate's warrant to the Police officers within the limits of the village or township where the Court is situated; this is an improvement; but in reference to the duties which he still has to perform in the administration of Criminal Justice, I am of opinion that it is expedient to increase this authority and to give him a discretional authority in cases of heinous offences, where he may deem it necessary to issue his warrant to any police officer, reporting at the same time the circumstance to the Superintendent.

[*The following five papers are extracted from Judicial Consultation, dated 3rd December* 1816.]

XV

Letter—from T. COTTON, Esq., Collector of Tinnevelly.
To—the Commissioners for the Revision of the Judicial System, Fort St George.
Dated—the 17th October 1816.

I deem it proper to transmit for your information the inclosed* copy of a letter from one of the Tahsildars in this district representing the objections of the Head inhabitants of his Talook, to undertake the office of Moonsif in their respective villages, and I beg to know in cases of this kind, where they persist, what is to be done.

2. A copy of the answer I have thought proper to return on this occasion to the Tahsildar is annexed to his letter enclosed,* and I am not at present aware of the expediency of any other means to introduce and give effect to the Regulation in question, than by explaining, as far as I am able, the advantages of it to the people in general.

3. You will be pleased to understand that it is not in every village here, as it may be in the Ceded Districts, that the Head inhabitants enjoy a Maunium or other compensation for conducting the business of their villages.

XVI

Letter—From the Commissioners for the Revision of the Judicial System.
To—the Collector of Tinnevelly.
Dated—Madras, the 29th October 1816.

We have been favoured with your letter of the 17th Instant inclosing a copy of an address from one of your Tahsildars and of your answer and requesting to know what is to be done in cases where the Head inhabitants may persist in declining to undertake the office of Village Moonsif.

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* Not printed.

2. No provision has been made by the Regulation for this case because it was not supposed that the Head inhabitants would object to the discharge of a duty calculated for the benefit of their villages as well as to save themselves from the inconvenience of being summoned from their homes to attend the Zilla Courts as witnesses in suits which may now be settled on the spot.

3. We imagine that their unwillingness originates chiefly in their not yet understanding the nature of the duties to be required of them, and in their supposing them to be much more difficult than they really are. It appears from the letter of the Tahsildar that they are alarmed lest they should be prevented by them from attending to their crops and collections. The very designation of Moonsif is enough to lead them to believe that they are to act as regular Judges and to pass much of their time in judicial business; but when they come to know that they will only have to settle such petty disputes as may occasionally be brought before them, and that in most villages the number of such disputes will be so trifling as not to occupy their time more than a few days throughout the whole year, we are persuaded that the reluctance they now express to the acceptance of the office of Village Moonsif will disappear.

4. We are therefore much pleased to observe that in your answer to the Tahsildars you have directed him to endeavour to remove their groundless apprehensions regarding the weight of the duties to be imposed upon them, and we feel confident that by means of proper explanation, conciliation, and patience your exertions will be successful in bringing all of them gradually to consent to perform the duties of Moonsif.

5. We know that in Tinnevelly the Head inhabitants in every village have not a Maunium. The case was the same in the Ceded Districts when made over to the Company. The Head inhabitants in many villages had no Mauniums, yet they were by the custom of the country expected to execute every duty whether Revenue or Judicial connected with their respective villages which might be assigned to them by the Sirkar. Though they had no Mauniums, they usually enjoyed some advantage either from a favourable assessment or from a small contribution paid by the ryots as a compensation. It is probable that a similar practice obtains in Tinnevelly and that the Mirasidar who acts as Head of the village always derives some benefit from his situation either in the form of an assessment below the ordinary standard or of a private contribution from the other Mirasidars.

6. To discharge all the duties which Government may deem it advisable to allot to the Head of the village, we consider as forming a part of the obligations under which the principal Mirasidars hold their lands. It will always be desirable that they should undertake these duties voluntarily but should some of them notwithstanding all your efforts to reconcile them to it still persist in their refusal, it will then be necessary to recommend to Government that such a compensation as may be sufficient to induce one of the Mirasidars to accept the office of Village Moonsif should be provided by a small additional assessment upon the lands of the rest.

XVII

Letter—from T. Harris, Esq., Collector of South Canara.
To—the Commissioners for the Revision of the Judicial System.
Dated—Mangalore, the 4th October 1816.

I have the honor to acknowledge the receipt of your letter dated the 23d Ulto.* requesting to know whether copies of the translations of Regulations IV, V, and VII, 1816 had been distributed as directed in your letter of the 19th July* and also whether I had made known the operation of those Regulations; secondly, if the information had not been circulated, to cause it to be published immediately and to state to you the date of the notification.

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* Not printed.

2. Immediately on receipt of your letter, circular sunneds were sent to each Tahsildar to notify the purport and intention of those Regulations to the inhabitants. Having subsequently gone into some of the Talooks, I took that opportunity of also explaining to the ryots the Regulations in question.

From August to 13th September.

3. The IV and part of the V Regulation have been translated and copies are making for distribution. This delay has been unavoidable from the circumstances detailed in my letter of the 27th July last.*

4. From the detached nature and insignificant amount of houses which in Canara frequently constitute what is called a village, it will be necessary to place several of such villages under one Potailship, to be called Potail of the Mogany of ...and so on. In respect to the Curnums or Shanbogues, I am doubtful of their being able to give that attention to the office assigned to them by the Regulations. The Shanbogues of Canara are Sirkar servants and in my opinion, the most useful, as they certainly are the most active of the Revenue district establishment. They are constantly employed in arranging and collecting the rents of their respective Moganies. They are distributed more are less throughout the Collectorate. Yet it often occurs that one man has 17 and 20 villages under the Shanbogueship; when it is considered therefore what the detail of duty is which he has to attend to in the Revenue, the additional labour as Register will be more than he possibly can undertake. These are circumstances I have considered it my duty to lay before you.

In the course of a few months I shall from personal observations made during the tour of the district be enabled to speak more decidedly. In the meantime every preparatory measure shall be attended to.

XVIII

Letter—From J. Hepburn Esq., Collector of Tanjore.
To—The Commissioners for the revision of the Judicial System.
Dated—Tanjore, the 5th October 1816.

I have received your letter of the 23rd ultimo,* desiring to know whether copies of the translations of Regulations IV, V, and VII, 1816, have been distributed yet, as directed in your letter of the 19th July last.*

2. On reference to that letter, I find that the Regulations IV and V of 1816 only were forwarded on that occasion and that you did not send Regulation VII till the 26th of that month.

3. Upon the receipt of your letters, copies of the Regulations for the several Tahsildars were immediately commenced, and proceeded on as fast as the means within my reach would admit, and copies of two of the three Regulations had already been circulated for some time previous to the receipt of your second letter; and the remaining one will be so likewise as soon as the regular business of the office will allow of its being completed. The Tahsildars have been directed to summon the Curnams of their respective Talooks to the cutcherries to take copies of the Regulations, when the performance of their proper Revenue duties will admit of their being employed in any extra occupations.

4. As it may not, however, have occurred to the Commissioners to calculate the extent of the extraordinary labour they have imposed upon the Revenue establishment by these orders; and as they cannot know it exactly as relating to this province, the following statement may perhaps enable them to form a correct judgment upon the subject and may also tend to prevent ultimate disappointment in

* Not printed.

the event of the Commissioners having formed any sanguine hopes of a very early completion of this task.

5. The copies of the three Regulations sent by you occupied 24 sheets of dummy paper, and they have been found to require one and a quarter quires of the country paper commonly used for such purposes in the cutcherry. There are 6117 villages of all descriptions in this province. To furnish each of them with a copy of the three Regulations, would therefore require 6,117 quires of dummy paper, which is equal to 7,646 quires of country paper, or one hundred and eighty three thousand, five hundred and ten (1,83,510) manuscript sheets, which it is calculated would give full occupation to one hundred scribes for ten months, at the rate of six copies each, per month, of the three Regulations and at an expense of almost five thousand pagodas.

6. To transcribe this quantity of writing upon cadjans, which I apprehend to be the intention of the Commission by directing copies of them to be taken for the use of the Head man of each village by the Curnums, it will require at the rate of six cadjans for each sheet of writing, which is stated to be the due proportion, eleven millions, one thousand and sixty (11,01,060) written cadjans, which it is calculated would afford complete occupation to all the Curnums at present employed in the province for three entire months, without taking into account the number of cadjans which must in the course of such an undertaking be destroyed from the mistakes that must inevitably happen in copying such an immense quantity of writing, composed in a style, and upon subjects, with which the copyists are but little conversant; and without reckoning the period that will be consumed in their journey to and from their villages to the cutcherry, nor the circumstances of there being but one copy in each talook from which the whole of the Curnums must take theirs; nor the time it will require to compare their copies with the original by some intelligent public officer, which must be done to guard against the public danger of erroneous or imperfect copies of the Law getting abroad, and being established as the future rule of guidance to those who are to administer it.

7. As the Revenue establishments of all descriptions here, including the Curnums, have been calculated at the lowest extent possible simply to conduct the duties of their own department alone, I can have no hesitation in saying that any extraordinary labour imposed upon them, which will intirely withdraw any part from their own proper duties, as this will, for at least one quarter of a year, cannot be done, in any one year, but to the serious detriment of their own branch of the service, and consequent injury to the most important interests of Government.

8. Independent of the copies of the Regulations section XXXIV, clause II, Regulation IV of 1816 prescribes, that the Collector shall furnish lists of the rates of duties upon stamp paper for the guidance of the Village Moonsifs. If a copy of this list is to be furnished to each village upon paper, it will require above one thousand five hundred (1500) quires of paper, the writing of which could not be completed, in addition to their present duties, by the existing establishment, in less probably than two or three years, their number being already so nearly adapted to the duties they have to perform.

9. From these facts, the Commission will perceive that with every disposition on my part to promulgate the Regulations without delay in the manner they have prescribed, their orders embrace so wide a scope as to render it impossible with the means at present in my power to ensure their speedy execution, and as the whole of the system to be subsequently founded upon them is entirely unknown and without precedent here, it will be in vain to attempt appointing Potails till the nature of their situation is understood by the general publication of the Regulations; and that therefore it may be found under all these circumstances that the establishment of the new system, in all its branches, may probably occupy a period much beyond that contemplated by the Commission when they sent their orders and Regulations in circulation.

XIX

Letter—from the Commissioners for the Revision of the Judicial System.
To—the Chief Secretary to the Government of Fort St. George.
Dated—Madras, 16th November 1816.

1. On the 19th July ¶ we forwarded to the several Collectors of Districts tran-es of the Village Moonsif and Village and District Punchayet Regulations nbered IV, V, & VII of 1816, with directions to circulate them for the use of Head inhabitants of villages, and to make it known that they were to be ed upon as soon as they were circulated.

2. On the 23rd September,¶ we called upon the Collectors to state how far ese instructions had been carried into effect. Their answers to this letter and here necessary to that of the 19th July¶ are contained in the Appendix ¶ and the ance of them is inserted in this report for the information of the Right H ble the Governor in Council.

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30. On the whole the substance of his (Tanjore Collector's) present communication only serves to confirm us more strongly in the belief of the correctness of the sentiment which we expressed in our report of the 20th August last ¶ that in the introduction of the new system no real co-operation is to be expected from the Collector of Tanjore.

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[*No final orders were passed on the subject.*]

¶ The communications referred to have not been printed in this collection.

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